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# THE

# WESTMINSTER REVIEW.

VOLUME IX.

~~OCTOBER, 1827~~—JANUARY, 1828.

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THE

# WESTMINSTER REVIEW.

JANUARY, 1828.

ART. I.—1. *The Test-Act Reporter. Nos. I and II.*

2. *Statement of the Case of the Protestant Dissenters petitioning for Relief from the Corporation and Test Acts.* Third Edition.

3. *The Necessity of the Corporation and Test Acts maintained, in a Brief Review of the Statement of the Case of the Protestant Dissenters.*

4. *Letter to the Right Honorable George Canning, on the Repeal of the Corporation and Test Acts.* By John Bowring.

AS we deem the question of the justice and policy of immediately repealing the Sacramental Test imposed by the two acts of Charles II, commonly called the Corporation and Test Acts, to be one of deep interest to the public, and of great importance to the character of the legislature, our readers will probably not be displeased to see us enter upon it at some length, and we shall do so rather historically than argumentatively. The Dissenters, from very mistaken views of policy, have suffered not only the country, but themselves, to forget, or overlook, both the facts and arguments on which the discussion must turn; and it becomes necessary rather minutely to go over the ground of history, in order the better to decide on the measures which policy requires.

We shall not be suspected of any proneness to rest the settlement of a question so important, and one which regards the common rights of all honest members of a community, on arguments of authority and antiquity, on principles established in times which, to say the least of them, could not well be *better* suited than our own to the calm discussion of important principles; but in deference to those with whom antiquity is virtue, and precedent is justice, we shall not be throwing away our time if we detail certain historical facts; facts from which the public may judge how far these boasted bulwarks of the constitution had the sanction of forethought

and design; how far they can be said to derive any authority whatever from the views of their institutors; how far they are fairly applicable to existing circumstances; and whether, in short, the man who supports the continuance, for a moment, of the system of exclusion has not the same task imposed on him as if he were now proposing the enactment of such a code. In considering the expediency of intermingling such materials with any sound fabric of society, the sober legislator would have, of course, to weigh the undoubted evils in which such civil distinctions necessarily involve the community, against the contingent dangers against which he seeks to provide; and must be prepared to justify the absurdities and anomalies in which a religious test involves those who should take upon themselves the task either of enforcing it, which no man ventures to contemplate, or virtually abandoning it by repeated suspension, according to the strange course adopted by the concentrated wisdom of the nation.

The Corporation and Test Acts are two enduring records of the divisions and absurdities of a disgraceful and profligate reign. The date of their birth bears with it an evil omen. They are the deformities which one might expect to grow out of unhealthy elements; they are so odious and inapplicable to the present state of society, that their advocates justify their existence only by their annual nullification; yet the love of power, and the charm which some men (especially priests) feel in maintaining superiorities and distinctions, however frivolous, and even mischievous, will, most likely, render these disgraceful statutes the objects of an obstinate defence, which will yield to nothing but necessity, or to the growing incapacity of finding advocates to put a plausible face upon such imbecility, folly, and tyranny.

At the restoration of Charles II, singular was the position of the Church of England, and of those whom faithless and arbitrary measures afterwards formed into the body which assumed the name of Protestant Dissenters. The immediate questions in debate were not what were to be the relative positions of an Established Church formed on a previously determined basis, and a body of Dissenters adopting a distinct form, or several distinct forms, of worship and discipline, but what ought in future to be the form of the Protestant Church; and this question continued to be, or was professed to be, the subject of inquiry during a considerable portion of his reign. The different sects of the reformers had not been used to establish separate communions; on the contrary, there was no *sin* they contemplated with more alarm than that of *schism;* occasional conformity, at least, was always practised even

between those who differed in other respects very widely. One of the rules which the Puritans imposed on themselves in 1587 was, that they should endeavour to wipe off the imputation of schism, inasmuch as *the brethren* communicated *with the Church in the word and sacraments*, and in all other things except its corruptions. When the Presbyterian Church was established, objections were made to separate congregations for the Independents, who alleged for themselves that they agreed in essential points, and would communicate occasionally with the Presbyterian Church, and receive its members to communion in return. After the Restoration, till persecution and proscription gradually separated Protestants into denominations, and made an abstinence from communion a point of honour; nay even after the Act of Uniformity itself, the Dissentient Protestants made a practice of conforming to the Episcopal Church, to such an extent, at least, as left the sacramental test a most inefficient means of keeping them out of the possession of any office for which it was a qualification, if we are to suppose that such a design was in the original contemplation of its promoters.

It is well known that the Presbyterians were active co-operators in the restoration of Charles. They possessed the principal political power, and in his declaration from Breda, he had "declared a liberty to tender consciences, and that no man should be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom." The manner in which this full liberty was contemplated, as likely to be carried into effect, was, doubtless, the settlement of the discipline and ritual of the Church on a comprehensive basis. How far such a scheme of comprehension was possible or probable, it is not for us to determine; but it is clear that no system which should create a still wider line of separation could have been looked to, still less one which would impose civil penalties and disabilities on those whom it should exclude from their then state of actual conformity.

Some of the earliest measures of king Charles's reign held out the promise of such a project of reconciliation as should promote a closer union in the Protestant Church than that which arose from the occasional conformity practised by those who, under protest against its corruptions, still made it a point of conscience to avoid the charge of schism. The Presbyterian clergy even retained their livings; the king declared an intention of revising the Liturgy, to remove or conciliate obnoxious points; and endeavours were making to embrace all parties under

a tolerant and comprehensive Episcopal Church. While all this was in negotiation, the act was passed which is commonly called the Corporation Act; and, bearing in mind the sort of church which it was then in avowed contemplation to establish, and the feelings of the government and the church towards those who afterwards became, *but were not then*, Dissenters, we proceed to remind our readers briefly of the history of this act and of the nature of those regulations, for which subsequent enactments and altered feelings provided victims, which were not and could not have been contemplated by the framers.

The Corporation Act was designed to constitute a temporary tribunal for settling questions, as to who were the rightful possessors of offices, which, after so much civil discussion, had naturally rival claimants, among whom the restored government reckoned its favourites whom it sought to put in possession by summary process. In the House of Commons, the act passed merely as an authority to appoint commissioners to determine these questions; with very extended powers, no doubt, to remove, as arbitrarily as they pleased, persons whom they should consider dangerous to the restored dynasty, from their principles and connexions with the dissolved government. To those whom they should establish or confirm, they were directed to administer the oath of allegiance and supremacy, together with an oath disclaiming the lawfulness of bearing arms against the king, and a declaration disavowing "the Solemn League and Covenant."

When this bill, however, came up to the House of Lords, a disposition showed itself for making this statute subservient to a more extensive zeal for the "preservation of the public peace both in church and state," and the bill was in consequence wholly remodelled. The new plan went so far as to require all corporations to renew their charters, and to vest in the king a perpetual power of appointing to the principal offices. The Commons, on the bill coming back in this form, manifested great indignation at such an attempt to convert a temporary expedient arising out of a present emergency into 'a permanent change," and they demanded a conference. In conference, after several meetings, the Lords gave way, and the Houses were nearly agreed, when, unfortunately, an adjournment took place. On their re-assembling, the Lords rallied again, and proposed the famous clause which now affects the Dissenters, and by which it is provided that, after the commission (which was to last two years) should expire (1663), no person should be placed in any office of magistracy or place of employment in the government of cities, boroughs, &c., who

had not within one year next before election taken the sacrament of the Lord's Supper, according to the rites of the Church of England, besides taking the oaths, and making the declaration before mentioned. The Commons at length assented to this sort of compromise, and the bill accordingly so passed.

There can be little doubt against whom this clause (the only part of the act which is of a permanent character) was directed. In the first place, as we have already observed, the body of Protestant Dissenters, against whom the act afterwards operated, did not then exist; and it would require a belief in some very far-sighted sagacity in the Houses of Lords and Commons, to suppose that they already contemplated the establishment of a church so exclusive as to make many of the very persons who then concurred in the enactment before them, the immediate subjects of its operation. The clause in question was not to take effect till after two years. The then actual holders of offices, and those who should come in during the two years, were not required to evince actual conformity to the existing church; but it was provided that all should conform to the extent of communion, *after* the two years, during which, if there was any faith in promises, the church was to have become free from most of the objections which then existed against it in many honest minds, and to be one to which few, if any, of the persons on whom the weight afterwards fell, would scruple the most complete conformity. Who believed, when this act passed, that before the time it should come into operation, the Church of England would have shut its doors to every prospect of communion with any but its thorough-going members? What Presbyterian, when he concurred, as numbers did, in passing this bill, anticipated such future proceedings as would make it operate against its very advocates?

In the next place it should be observed, that from the nature of the Test itself, and the previous history of its application, the object manifestly was, to guard against dangers to arise, not from Protestants, but Catholics. We have already seen that, as the practice of Protestant sects then stood, and, still more, as the constitution of the Church of England had every prospect of soon being, the imposition of a sacramental Test would be neither a proof of thorough attachment to the establishment, nor a means of keeping out of office even a known conscientious scrupler against many of its forms and ordinances.

The sacrament had been often used as a Test, but always of Catholicism, till the exclusive system of the church ultimately created a body of Protestant Dissidents, who began, as a point of honour, to refuse that communion which they had not

scrupled till it was imposed upon them. The first *law*, requiring the taking of the sacrament (to which it was found the Catholics objected, though they often conformed so far as to attend service) was passed in the 3rd James I, imposing that ordinance, as well as general conformity, on converted recusants. There is no trace of the legislature conceiving that a Protestant would object to such a conformity. From 1614, the House of Commons was in the habit of imposing the taking of the sacrament on its members, "for the security of the House, that no Papist sit among us." Mr. Love, in the debate on the Toleration Act, says, "I had the honour to sit here in the long parliament, and it was then the wisdom of the House to *see whether we were all Protestants*, by ordering all to receive the sacrament." In 1661 (the very year the Corporation Act passed) there were fifty-six Presbyterians in the House, and only *one*, or at most two, had any objection to communicate. It is therefore idle to suppose, that if it had been the intent of the legislature to exclude all but Church of England men (and Church of England men of the exclusive character which they did not *then* possess, but acquired by subsequent enactments) it would not have selected some Test more adapted to the purpose.

The Act of Uniformity, however, soon destroyed the hopes which had been built on the promises of a tyrant, and restored the Church of England to strictness and severity of rule and discipline. Those persons who, by its provisions, were by degrees dragooned into that body which has been since known by the name of Protestant Dissenters, became subjected throughout this reign, to severe visitations for any open exercise of a distinct worship. It is difficult to trace all the shiftings of their position through the selfishness and intrigues which frequently entangled them. Now courted by the king for some purpose of his own, to assist in plans of toleration—now leagued with other Protestants to oppose at all risks the evil designs of the court—but always cajoled in the end by both sides—the allies of each when wanting their assistance—the victims of each when their assistance was useless—the history of the Dissenters is an instructive example of the fragility of any alliance which the oppressed may form with any body of oppressors—of the vanity of the sacrifice made by confiding patience to despotic will—and of the faithlessness of hierarchies, and courts, and kings.

Still, however, after the passing of the Act of Uniformity, and even when practical nonconformity would have been severely punished, it does not seem that the sacramental Test would have been the plan to which a sagacious politician would have had

recourse, to work the exclusion of all persons but such as were thoroughly affected to the church; and in the absence of a plan suitable to such an end, we may reasonably doubt whether it was then in view. In 1663, Baxter, at a meeting of ministers, was the public advocate for communion in the parish churches; and at another meeting in 1666, it was agreed that communion with the Church of England was in itself lawful and good. Stillingfleet dates any thing like a complete separation, from the time of the king's indulgence, under which meeting-houses were built, in 1671-2. The sacramental Test, therefore, long continued no bar to Protestant nonconformists.

In this state of things we arrive at the second "bulwark of the Constitution," against the arts of the sectaries, viz. the Test Act passed in 1672. It is true, that, after the passing of the Act of Uniformity, in 1673, a bill had been brought into the House of Commons in the same year, which, though its plan and provisions are not known, seems to have been intended to place all offices in the hands of persons "conformable to the Church of England;" but its failure is evidence of the feeling on the subject, while its introduction bears testimony to the conclusion, that something more than the sacramental Test was then wanted, if the object was, to keep out Protestant Nonconformists. In 1671, the king began to assume his dispensive power, and the objection of the Protestant Nonconformists to the principle of such an indulgence in their own favour, which ought to have secured them (as in fact to a great degree it did) the gratitude of the constitutional party, made the court their deadliest enemy, and frustrated many subsequent efforts for their legitimate relief from the consequences brought on them by the statutes in which they concurred in order to restrain the imminent dangers from Popery.

In 1672-3, parliament met in great and well-founded apprehension of the king's designs, and with a strong conviction on the part of the friends of good government, even though members of the church, that the true policy of the lovers of their country was, to knit all Protestants together. The Nonconformists had similar views and wishes, and were disposed to make all sacrifices to promote the popular union and strength. At the same time that the Commons reprobated the king's indulgence, a general feeling was expressed, that Protestant Dissenters ought to have a legal, not an illegal toleration, and a bill was ordered to be brought in for their ease. The bill passed the Commons. The Lords concurred in the principle, but having made amendments which created delay, the king, by one of the tricks, which several times during his reign defeated all the exertions of par-

liament to extricate the Dissenters from the exclusion in which they were involved, compelled a hasty adjournment, and thus defeated the measure. During the progress of these discussions, it had been proposed to exclude Protestant Nonconformists from parliament (as was most effectually done in the case of Catholics during this reign), but the proposal was rejected by a very large majority.

On the very next day to the one in which it was resolved thus to relieve Protestant Dissenters, it was determined to take measures to "*prevent the growth of Popery;*" and soon after was introduced the Test Act, which bears the title of "An Act for preventing danger which may happen from Popish Recusants," and it moved forward through its stages concurrently with the act to relieve Protestant Nonconformists. At one time it was proposed to forward the latter bill first; but the Protestant Dissenters concurred in opposing this, being desirous of throwing no obstacle in the way of the measure levelled against the court. Alderman Love (who was one of the very few, if not the only one whom the Test affected prejudicially, as he scrupled the communion) declared his wish as a Dissenter to be, "that an effectual security might be found against Popery, and that nothing might interpose till this was done." The supply was delayed till the Test Act was secured, by being passed with the greatest rapidity; and the supply once obtained, the act, which followed with slower steps for the relief of Protestant Dissenters, fell to the ground, as did several subsequent attempts by parliament to accomplish this object. They were defeated by tricks on the part of the court, whose policy it was, at once to punish the Dissenters for thwarting its views, and to keep them in dependence, in the hope of securing their co-operation in measures of indulgence to its peculiar favourites.

Whether the Dissenters acted wisely on this occasion has been doubted; whether they acted on the true principles of justice and religious charity, may be still more questioned; but it is somewhat hard that they, whose self-denial and religious antipathies (if they must be so called) helped to save both the constitution and the church itself from more imminent dangers than have ever since threatened either, should be treated as persons against whose disaffection the statutes in question were aimed; and that acts, which are a standing memorial of their zeal and self-sacrifice to the common interest, should be reckoned and preserved as safeguards against their machinations.

We must say too, that the Dissenters are also somewhat hardly dealt by, when their subsequent trials are held up as a moral

retribution for their concurrence in abridging the liberties of their fellow Christians. He must be a stout assertor of political justice in the abstract, who can make no allowances for the fears of good and virtuous men, who saw the government, and an army of foreigners in the hands of men from whom every thing tyrannical and base, in politics and bigotry, was certain to flow; when the Exchequer was shut, the laws suspended, and a war begun, which had for its object to destroy the only Protestant power in Europe. It is not, at least, for those who now punish the Dissenters for their concurrence in resisting such dangers, to make light, either of the peril which existed, or of the merit of the sacrifice; and were it not so, the reasoning has always appeared to us as something beneath contempt which would punish one generation for the errors of another. Such reasoning should propose to establish a Cordon Sanitaire around London now, on account of the plague of 1665.

The Test Act avows itself to be intended "to prevent danger which may happen *from Popish Recusants*," and for this purpose it provides, that every person admitted into office, civil or military, or receiving any pay, fee, or wages, by reason of any patent or grant from the king, or having any command or place of trust from or under him, or by his authority, or by authority derived from him, or who shall be admitted into service or employment in the household of his majesty, *or of the duke of York*,* shall take the oaths of allegiance, supremacy, and abjuration, and subscribe the declaration against transubstantiation, and shall, within three (afterwards extended to six) months, receive the Sacrament according to the usage of the Church of England, and produce a certificate thereof; under the penalty of incapacity for the office, and avoidance of the appointment, and (in case of acting without compliance) of being subject, on conviction, to disability for suing in any court of justice, acting as a guardian, executor, or administrator, or receiving a legacy or gift, or bearing any office in England or Wales; and also to the payment of a fine of 500*l.*, the whole of which goes to the informer, and therefore is not mitigable by the Crown, nor, as it seems, within the statute of limitations.

There is no doubt that this act would operate to exclude those Protestant Nonconformists, the numbers of whom probably began to increase, and soon after became considerable, who should scruple to join in communion with the church; and

* This curious connection in the same clause of "The king, his heirs and successors," with a private individual "the duke of York," who might die the next day, remains a striking proof of the haste and personal feelings which dictated these statutes.

though this was an effect of the act which the recent and partial nature of Protestant objections would render little attended to at the time, yet the grievance, such as it was, was not designed by Parliament, and immediate steps were taken to remove it. On the meeting of the House in October, 1673, after a long adjournment, a bill was ordered in for "*A general Test to distinguish between Protestants and Papists.*" The object was, to repeal the Sacramental Test, which, besides serving its ancient office of keeping out Catholics, was found to have become troublesome to Protestants, and to form another which should meet the precise emergency; but this, too, fell to the ground by an immediate prorogation. On the House meeting again in January following, another bill was immediately ordered "for a general Test, to distinguish between Protestants and Papists, and to prevent the danger and further growth of Popery," and the Test proposed by this act was a declaration against Popery, which was afterwards, in fact, adopted in regulating the qualification for sitting in Parliament; but this bill was defeated too by a prorogation after second reading and commitment. The king at the same time revoked his indulgence, and not only prevented Parliament from granting legitimate relief, but took care that whenever the execution of the law was pressed on him, as regarded Papists, the Protestants should feel it equally. It was probably thus that the malignant grouping together of the two parties in a common persecution, first created the incorrect and confused notion which has so long existed, as to the purposes of the legislature in passing the acts; and thus the real cause of what we are entitled to consider as the accidental proscription of the Dissenters has been forgotten, and their perpetual exclusion, which was never thought of at the time, has been deemed a solemn decision and determinate forethought of our wise and well-judging ancestors. The king carefully nurtured the seeds of high-church prejudice; and priestly appetites, when once whetted for the banquet of persecution, are not easily allayed, except in the blood of the victims marked out for destruction. Even in 1680, bills were passing through Parliament for relieving the Dissenters; one of which was stolen when ready for the king's assent, and others were defeated by prorogations; the House of Commons having only time to pass this memorable resolution, which ought ever to be quoted with the Test and Corporation Acts, as a feeble attempt on the part of the Parliament of Charles, to do itself justice in the eyes of posterity, and to prevent the misconstruction which has attended its acts. "Resolved, *nem. con.*, that it is the opinion of this House, that the prosecution of Protestant Dis-

senters upon the penal laws is at this time grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom."

In the mean time, Parliament had seen a necessity for taking still stronger measures against the Catholics. Five years after the Test Act had passed, another was brought forward, which recites, that the previous provisions "had not had the desired effect, *by reason of the free access which Popish Recusants have had to his majesty*," and proceeds to provide for excluding them from Parliament. The evil of the former Test was, however, now seen and avoided by providing another, which Parliament had in vain endeavoured to substitute altogether for the former provision, namely, a declaration to be made and signed against Popery specifically, as a qualification for sitting in Parliament, and also for acting as a sworn servant of his majesty.

If the constitutional party dreaded any thing from Protestant Dissenters, through what channel would it more readily flow than through Parliamentary influence? How can those who now make admission to Parliament the last boon concedable to Catholics, believe that their ancestors willingly allowed any whom they considered dangerous to retain that position, while they excluded them from others where they must have been comparatively harmless?

The Dissenters, wearied by persecution, found some ease under the indulgences of James II, but their doing so only converted the church authorities into enemies, whom the possession of power stimulated to the abuse of it. At the accession of William, the feeling of antipathy against Dissenters (though not so strong as that against the Catholics) had attained great power, and that monarch himself, unable to perceive the causes and intrigues by which this unnatural division of the Protestant interest had grown up and been fostered, struggled in vain to show its absurdity, and to put an end to its existence.

It could not escape the common sense of such an observer, that a test of the sort in use was, of all others, most clumsy and inefficient, even if its objects were supposed to be as extensive as they were asserted to be. If the state apprehended danger from any peculiar principles or courses of action, and relied on the religious feeling of the party for its protection, it was obviously best to avail itself of the religious sanction in a direct manner, by some oath aimed at the object in view. "I hope," said William, "you are all sensible that there is a necessity for some law to settle *the oaths to be taken* by all persons to be admitted to such places. I recommend it to your care to make a speedy provision for it, and as I doubt not but you will suffi-

ciently provide against Papists, so I hope you will leave room for the admission of all Protestants that are able and willing to serve." Attempts were made in Parliament to act on these wise suggestions, but many who in days of adversity had been glad to receive the aid of the Dissenters in preserving even the church from ruin, now determined on supporting monopoly and exclusion at all hazards; the design failed in the Lords, and the court thought itself fortunate to succeed in being allowed to withdraw a similar measure for relief pending in the Commons, by a majority of 116 to 114.

Meantime the Dissenters had gradually separated more and more completely from the church, and occasional conformity had as gradually decreased. The conscienciousness and consistency of the Dissidents, therefore, by degrees gave an increased force and operation to the Corporation and Test Acts; but still conformity in communion was by no means unfrequent; and in the reign of Queen Anne, churchmen began to see the inefficacy of the existing acts, and to think of providing a remedy, instead of setting to work to consider whether that very inefficacy (which of course, was then not half so glaring as it must have been when the acts originally passed) was not a proof that they erred in supposing it to have been the design and purpose of their ancestors to exclude all non-conformists. From 1702 to 1711, many earnest discussions arose; and in the latter year the Whigs made a base and infamous bargain with lord Nottingham, by which an act was passed to enforce a *perfect conformity;* but Parliament had the grace to defeat an attempt to make the Corporation and Test Acts irrevocable by inserting them in the articles of Union with Scotland, whose Presbyterian subjects, though belonging to an establishment at home, have, by a strange absurdity in our law, become incapable of serving their own king, as soon as they cross into the country where he resides.

Early in the reign of George I, some symptoms of relenting from high-church feeling was manifested in the repeal of the Occasional Conformity Act. This proceeding was, by many Dissenters at the time, considered as a sort of legislative sanction of the old practice of their ancestors, and this feeling was further promoted by what was considered as a sort of *regulation* which seemed to favour and contemplate occasional conformity, when it was provided that corporate officers should not *take their insignia* to non-conformist places of worship. Occasional conformity has, however, it appears, never been in favour among conscientious Dissenters, who, whatever they might otherwise have done, object to any sort of religious com-

munion for secular ends, which can be construed into a symbol of that union with the establishment, which they on other occasions disavow.

The debates and discussions on the Occasional Conformity Acts, gave rise to controversies, in which many able divines, both in and out of the church, took part, of whom Sherlock on the one side, and Hoadley on the other, may be considered as the leaders. The former's "Arguments against a Repeal of the Corporation and Test Acts," are regarded by churchmen as the best defence of the employment of a religious ordinance for a secular purpose—an employment, we believe, utterly unknown in any other Christian state. Hoadley's "Common Rights of Subjects Defended" is, on the other hand, a production which breathes a high and liberal feeling, and which the low-church party, as well as the Dissenters, have always justly admired and valued.

From this period, during the remainder of the eighteenth century, endeavours were at remote intervals made for repealing or modifying these acts. The most favourable division which the Dissenting cause ever obtained was that on Mr. Beaufoy's motion in 1789, which was lost by 122 to 102. For near thirty years the Dissenters have remained inactive. Their proscription has been practically moderated to a very great extent; but it would appear, that the nearer the approach is made to absolute nullity of operation, and to concession of the utter impolicy and impossibility of ever putting such laws n execution, the closer the good churchman binds them to his heart, the more reverently he treasures them up as the badge of helotism, as the bright and blazing evidence of his Pharisaic superiority over his less holy, less orthodox brothers.

In the reign of George I began, and in that of George II gradually increased, the practice of quietly getting rid of the inconveniences which inadvertent Churchmen as well as Dissenters, experienced from the Test laws. This was effected by means of Indemnity acts, which now annually pass, enlarging the time for qualifying to some period, before the arrival of which a similar act is again provided. We must bestow a few words on these yearly licences to freemen, to do what no human power ought to attempt to prevent their doing, because it has become the fashion of late, to persuade the Dissenters to be quiet with this yoke about their necks, under the pretence that the yoke is annually removed; and (what by no means follows), that it may be safely assumed they will always be so nullified by all future ministries, who will for ever be liberal and thoughtful enough to take care that the wisdom of our ancestors shall

(for the purpose we suppose of proving that wisdom) annually be made foolishness.

Dissenters have never been satisfied, and we do not see how they should be, that this yearly boon to them of liberty to exist, was ever intended to apply, or, in fact (if the point were mooted), does apply to them. The acts purport to relieve omissions, in not having taken the Church of England sacrament, "through ignorance of the law, absence, or some unavoidable accident." The Dissenter considers himself only insulted by this boon, offered him on a pretence which he disavows to his most beneficent persecutor who stretches out his charity with a lie on his lips. Nay, the Dissenters who availed themselves of the benefit of these statutes were (when the application was made to parliament in 1789) upbraided with so doing, by the minister of the day. Lord North contended, that the Test Acts "*were and ought to be* carried into full effect," though he said, he believed, "some had introduced themselves into Corporations relying on the Indemnity Acts." "This sort of mental fraud," he argued, "did not recommend them to the indulgence of the legislature. What they did, was an *abuse and evasion* of an act of parliament, which solemnly and substantially required that the Test should be given truly and fairly." Such was the feeling of the churchmen of the period, when the question was last fully discussed, and yet Dissenters are now gravely told (the acts remaining as they were), that they have "no *practical grievance*," that the statutes they complain of are, and are meant to be, a dead letter, and that they only cry out for their repeal, from perversity and a spirit of factious restlessness.

But there are many other reasons why these indemnities (even supposing them to be fairly applicable to Dissenters, and that a secretary of state may now as honestly upbraid them for not considering the protection ample, as Lord North did for fancying they had any title whatever to the relief) are not, and never can be satisfactory to the Dissenters, or to any free man who wishes to have the same civil rights as his neighbours, and to possess them on something better than a yearly lease. The Dissenters have fully expressed their opinion on this subject, in the "Statement" of their case. After detailing the indirect mode in which the relief (if intended for them) comes, they say,

"Where previous conformity is actually called for, as it often may be, the Indemnity Acts are wholly useless. They do not remove the legal incapacity; of which any one in whom the appointment lies may avail himself, if he chooses the right time previous to formal admission. There appears to be nothing to prevent even the official

organs, from whom such appointments are received, from considering themselves bound or entitled to make previous inquiry into the legal capacity of the proposed recipients,* and it may be observed, in confirmation of this view, that in 1817, an act was expressly passed to remove doubts in a particular case, by directly empowering the secretaries of state, &c. to deliver commissions in the navy without the obligation of previously seeing that the parties took the oaths and subscribed the declarations required by law. The legal incapacity invalidates all elections where the objection is taken; and thus no Dissenter can be elected into an office, for which there is a rival candidate, on whose behalf any one chooses to give previous notice of his opponent's disqualification: so that any single individual possesses the arbitrary power (which has been sometimes exercised, and in some corporations prevents any attempt at electing a Dissenter) of wantonly, and at his own caprice, preventing not merely a Dissenter, but an inadvertent churchman, from filling a situation to which his station, talents, or the good opinion of his countrymen, may entitle him to aspire. If, as has been maintained, the Bank of England, the East-India, Russia and South-Sea Companies, the College of Physicians, and many other incorporated or chartered institutions, are within the compass of the Test Laws, it is obvious that it is public opinion—not an indemnity act—which prevents the operation of enactments, that may, in any time of popular excitement, be directed to the most vexatious and oppressive purposes.

'The legal efficiency of the Indemnity Acts, as to protection from penalty, is imperfect (even if it be admitted that they extend to intentional non-conformists), as they afford no protection to a con-conformist, if his election or appointment be so shortly after the passing of one Indemnity Act that the six months shall expire, and the action be brought and the judgment obtained, before the succeeding Indemnity Act. The number of persons thus exposed depends upon the interval between the consecutive Acts, which varies from year to year; so that sometimes all those elected or appointed within the first two months, at other times within the first six months, after the passing of the respective annual Acts are, notwithstanding such acts, liable to the penalty of 500*l.*, and perhaps to all the other penalties and disabilities imposed by the Test Act, if the proceedings be immediate. It is also doubted, whether in cases where the election or appointment is after one Indemnity Act, and the six months expire without conformity before the succeeding Act, the penalties and disabilities do not attach, without the benefit of any indemnity, if the offending party persists (as a consistent Dissenter must) in refusing to comply with the Test.

'They place the most important liberties on a tenure of mere sufferance—on a yearly charter—of which accident or the mere caprice or negligence of a minister may prevent the renewal. Precarious

* As in fact is the practice in many cases, and particularly in some counties, where no magistrate is allowed to take his seat on the bench without producing his certificate of conformity.

liberty is a contradiction in terms; and it should be recollected, that liberty which depends upon suspensive acts of this sort, even if they are effective, is at all times so far insecure, that it is at the mercy not of the united legislature of the country, but of any one branch; which may, without the concurrence, and possibly in opposition to the wishes, of the other, refuse its assent. If liberty were the rule, and exclusion were the exception, the sufferers would at all events have the consolation of knowing that any sentence passed upon them must receive the sanction of all the branches of the legislature.

'Dissenters see in such concessions, no relaxation, but rather a confirmation of the obnoxious principle of exclusion. The Indemnity Acts suspend, but do not remove, those harsher enactments, the enforcement of which would be dangerous to the rights of property, and outrageous to public opinion—they are a licence given, not a liberty recognized—they treat as matter of offence what Dissenters consider as the exercise of the unalienable right and the undoubted duty of an accountable being—they recognize, in fine, the principle, alike oppressive and impolitic, by which a vast number of deserving members of the community are shut out from the general blessings of good government, and subjected to degradation, which no conduct on their part has merited, and which they cannot be expected for ever patiently to endure.'—p. 9—11.

The Dissenters might have added, that there are none of the higher walks of life, in which the proscription, arising from the Test Acts, is not in full operation. In what profession can the usual roads to eminence be trod, and the final prizes be freely sought and attained under the present system? Do not fathers feel every day, in the disposition of their families, that their choice lies between conscience and interest, and that placing their children in the path to which emulation might attract them, is in most cases, only leading them into temptations to apostacy or insincerity? How can the Dissenter, whatever be his fortune and qualification, and however desireable his services, take his proper station for giving gratuitous assistance to his neighbourhood, even as a magistrate? In most counties a certificate of conformity is rigorously exacted, and in all, the man who is to administer the laws will, or ought to, shrink from occupying, on sufferance, a post where he may every day be reminded of his own breach of positive law. Even though the harsher provisions of these laws be generally suspended, the distinctions which they alone create and keep up in spirit, are discerned in all ranks of society; and, indeed, the desire to perpetuate those distinctions, and thereby to keep up the ascendancy, not of the established faith, but personally of its members, is obviously the real design of many in supporting them.

Reviewing the history of these infamous statutes, in their birth and details, we believe we have said enough to dispose of

all argument in their favour from the supposed intended application of them by the persons with whom they originated to such circumstances as now exist. At any rate, against whomsoever they were meant to be levelled, *enforcement* was in the contemplation of their promoters, and they can hardly be conceived to have foreseen and approved that happy state of things in which the productions of their fears should have only this argument to be urged in their favour by their warmest advocates, that they are not and never will be enforced, and yet that they should be preserved for the purpose of reminding us to what bitter expedients party and religious animosities once rendered it necessary or justifiable to go.

If the argument from authority and original design wholly fails, our statesmen will come to the more ready and commonsense task, of considering what there is under the present state of things (we might say what there has been for more than a century), which can furnish a plausible argument for the enactment of such laws, or which is the same, their continuance for totally different views and purposes from those in which they originated. Bishop Blomfield puts it roundly and directly, that the question is—whether the state is not justified, after choosing a religion which it thinks best, in keeping out of office all those whose principles might tend to its overthrow? This, to be sure, is rather abandoning the ground of those who justify these laws, on the excuse that nobody *is* kept out of office by them, which, so far as it is true, proves that in all experience, these most dangerous persons have either never had the power, or the will, to take advantage of their position to the detriment of the establishment. It is also a theory curiously at variance with the practice which allows the Dissenters quietly to sit in parliament, where alone they ever did or could, through popular influence, work any change in the order of things, at the same time that it restrains the king, who is by law a member of the establishment, from the power of filling offices which he might be safely trusted to supply wisely. It is, moreover, an argument for establishing some direct Test or oath against particular practices, not for continuing a practice which lets in all the rogues, and keeps out none but honest men. But what does it, after all, amount to, but an assumption (and a very degrading one for the church), that not even the power, riches, and influence, of the establishment, are sufficient to throw into the scale in its favour, and that the state can prop up its bantling only by the further assurances to be derived from intrusting none but its votaries with secular power. Experience is against this assumption—the church of Scotland maintains itself without proscription, and with a government in fact of an *opposite* faith. In some

countries different religions have existed as establishments contemporaneously, and in America they exist abundantly without either support towards themselves, or proscription of others.

The only basis on whcih establishments can be maintained or justified is their utility. Tried by that test, it is difficult to show the propriety, the honesty, of extorting money for their support, from those who conscientiously believe them to be an evil; but we fear that the bishop will have overthrown all title of his church to be regarded otherwise than as a cause of discord, weakness, and dissention, if he really succeeds in making out *his* proposition, that she must fall if she bear not in the one hand riches and honours, and in the other the bayonet and the constable's staff.

As long as these laws exist even in their incidental and collateral operation on the feelings of society, divisions and distinctions, which can conduce neither to the interests of the state nor of true religion, must be perpetuated. Let us observe how soon and completely the feeling vanishes with the exciting cause. No distinction exists by law between Dissenters and Churchmen in the House of Commons; and who ever hears *there* of the heats and animosities of sectarian distinctions? The Dissenter *there* is rather elevated into importance than depressed by his religious character. But the same man, when he walks abroad and offers any interference even in the petty politics of his native town, or if he would take his seat among his equals on the magistrate's bench, soon finds that his neighbour feels that the law keeps him in countenance in saying, or showing that he thinks, "stand off, for I am holier than thou."

It was not our purpose, however, to enter upon discussions of principle, respecting which probably our readers have no great curiosity, being, we hope, as much disposed as we are to consider the whole matter as long ago settled, except in so far as might is disposed to put down right. The present session will, no doubt, produce an ample investigation, and we are somewhat curious to see the expedients which will be resorted to to palliate the anomalies, absurdities, and inconsistencies of our present religious code.

Hitherto the agitation of the claims of the Dissenters has brought into the field only one champion of things as they are, the author of the pamphlet entitled "The Necessity of the Corporation and Test Acts maintained in a brief Review of the 'Statement of the case of the Protestant Dissenters.'" The circumstance of his being the only one who has hitherto appeared, in defence of this view of the question entitles him to notice, which is little due to his own merit. He is the opponent of

"a certain description of persons," who have certain inconvenient notions, and a stout defender of "the strong and *necessary* bulwarks of the church," and he does not see what a wretched compliment he pays his church in maintaining that such bulwarks are necessary.

A few sentences will describe the progress of this writer's reasoning, and with this description we may safely leave it. He contends, that "political disabilities" ought not to be branded with the name of "religious persecution,"—that even if the Test Laws were enforced, the Dissenters would have "a complete toleration," and suffer no "restraint of conscience." The question he admits and contends is purely "a political one." The Dissenters are not of the church, and cannot, therefore, be supposed to like it. The church and the state are the same thing, and, therefore, it is not safe for the state to admit those who do not like its companion. This of course is putting the case broadly and without specialties. It proves that if we have establishments, we *must* have proscription; yet this man who so argues, thinks himself a friend to the church.

The next branch of the argument is (in defiance of all fact, and of all courtesy to lord North's reasoning), that, in truth, the Test Laws do not exist in practice at all; but that it may be convenient to have recourse to them some time or another. There is no intention to hang this "certain description of persons," nay, "it would be harsh and *almost* tyrannous to put the laws in force against them;" but it is pleasant to the churchman to keep the halter round their necks, and to exult in the thought, that he may by possibility so deal with his Dissenting brother if he be troublesome. What a recipe is this *quia timet* proceeding for good feeling, harmony, and confidence in a state!

A great deal is said about an argument for which the pamphleteer seems to have prepared himself, from reading former controversies; but which, unfortunately for him, he does not find put forward in the Dissenters' "Statement," we mean that of abstract or natural right. About this it signifies little how much he dilates, for he has not advanced many steps when he has made out, that some Dissenters have either put a good argument in a bad light, or have added an unsound argument to a good many weighty ones. We pass over this part of his reasoning with all the absurd fallacies which he has worked into it, as not having much to do with the discussion at this time of day.

He next denies stoutly the accidental nature of these enactments, and (obviously without any historical knowledge) would have us believe, that they were by the parliament of Charles intended to be prospective, that they are fully applicable, and de

signed to be applicable, to the present state of society; but he has the grace to give up the defence of the particular Test required. He sees no inconsistency in the conduct of those who would keep the Dissenters out of Corporations, &c. and let them into parliament, though, at the same time, in dealing with the Catholics they would concede every thing, *except* this latter privilege.

The whole concludes with a vehement attack on the Unitarian Dissenters; who are, it appears, in the words of the Corporation Act, "evil spirits still working;" who are "amongst the ranks of the calculators, the economists, and the innovators;" and who are, in this writer's judgment, now deluding their brethren into a discontent at the best possible system, which has prospered so long and so well, and with which it is the basest ingratitude to quarrel. Even the relief which these Dissenters have sought from being compelled to marry in the name of the Holy Trinity is brought as accusation against them, and it is obvious, that the writer, whether rightly or wrongly, fancies that they are at the bottom of this ungracious attempt to make the church justify its ways.

The Dissenters will, however, we trust, go on. The motive was kind and conciliatory; but we are not disposed to agree with them in the wisdom of their determination to avoid discussion during the last session, for fear of endangering the faint prospect of more liberal policy in the newly-formed administration. What were the Dissenters to expect from a government of which the head was either ignorant or perverse enough to treat their case as one of "*no practical grievance,*" and of which a main supporter, like Mr. Brougham, ventured, as we are informed, to threaten them with himself moving the previous question, if, contrary to his views of public politics, they dared to create disturbance by any impatience? Let the Dissenters, before they suffer themselves to be urged on or reined back, according to the policy of any political party, remember that even the Whigs have in former days bartered them away twice—let them be, at least, wise enough to see that they should rely on no men or party for support, still less be deterred by any in the prosecution of their claims for justice —let them be sure that they have no honest friends who counsel them to be silent—let them learn that every day and every hour are the day and hour for the slave to clank his chains in the ears of his oppressor, and for the man who wishes well to himself and his country to use his best efforts in the sphere in which his lot is cast, towards promoting the cause of liberty, peace, and happiness.*

*ing the progress of this article through the press, the Dissenters ved a memorable triumph in the House of Commons, by obtain-

ART. II.—*Travels and Adventures in Southern Africa.* By George Thompson, Esq., Eight Years a resident at the Cape. *Comprising a View of the Present State of the Cape Colony, with Observations on the Progress and Prospects of the British Emigrants.* 1 vol. quarto. London. 1827.

THIS volume, though of very various shades of merit, forms a welcome addition to our stock of knowledge concerning Southern Africa. It will be found of great value to those who think of settling in this part of the dominions of "the Lord Charles's." It exhibits a tolerably complete picture of the state of society among the different classes of residents in the Cape Colony, and fairly sets forth the advantages and disadvantages of emigration to that settlement, though it passes over with a light and gentle touch those evils which grow and have grown so abundantly out of our noxious system of colonial rule. Those, again, who delight in reading accounts of wild and unexplored countries, accompanied by incidents of a novel and often hazardous character, will find abundance of amusement in the author's personal adventures. Such as feel interested in all that relates to the various conditions of the human race will be gratified by numerous details of savage life, some of which describe the behaviour and disposition of barbarians under the influence of very uncommon circumstances. The author candidly renounces all pretensions to the character of a scientific traveller, and the naturalist must therefore expect no technical statements respecting the productions of either the animal, vegetable, or mineral kingdom, which Mr. Thompson finds in the course of his rambles. He compensates, in some measure, for his ignorance of the natural sciences, by the great attention he pays to the state of agriculture and all that relates to the arts of life, and by his talent for description, in which he is, we think, eminently gifted. Mr. Thompson seems to be economical in the use of the traveller's licence to deal in exaggeration; and the only characteristic privilege in which he indulges is that of altering names and unsettling orthographies.

The author's first expeditions into various districts of the colony are not detailed in the body of this work, being only

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ing a resolution for the repeal of these obnoxious statutes. It is, perhaps, the most remarkable event that has occurred in the present century, as evidence of the growing force and improvement of public opinion. It remains to be seen what the Lords will do. The Dissenters have only boldly and firmly to maintain their ground, to cede nothing, to *require* the removal of every fragment of the burthen which has been so long imposed upon them, and they must succeed. They are too numerous to be trifled with, and we hope they will be found too sagacious to be deluded.

briefly recounted in its preface. The main narrative commences with the one undertaken in 1823, which was destined to prove far more adventurous and extensive than any previous attempt of his to explore the vast wilds of Southern Africa. He directed his course, in the outset, along the sea coast, as far as the Great Fish River, lying somewhat beyond the 27th degree of east longitude, and distant from Cape Town about six hundred miles. On his route he visited a great many settlements of colonists (and among them that of Algoa Bay), striving with poverty and hardships, dangers of Caffers, and dangers of destroying seasons. Algoa Bay was inhabited by five hundred persons when Mr. Thompson passed through it, and it has since increased its numbers. The constant recurrence of shipwreck on these shores associates the very name of Algoa Bay with ideas of terror and despair; and on such occasions Mr. Thompson relates that the Caffers, or savages, behave better than the christian Boors, although these no doubt, hold themselves far superior to the heathen Caffers. The author's object in this, as well as his other journies, was partly of a commercial character, and in the furtherance of his object he examines the facilities which the natural harbours of that coast afford for trading among the settlers by sea expeditions: there appear to be some ports very well adapted for the security of merchant vessels when once they get in; but the great difficulty is, to reach them on these horrible shores, where furious tempests and storms leave the unhappy mariner no choice but to approach the land *where he can*—not where he *will*. The "Kowie mouth" and the "Kysna mouth" seem to be promising harbours; but it is unlikely that naval commerce will ever flourish here, unless the temptation on the score of gain should become much greater than it is at present.

Leaving the shores of the Southern Ocean, where the frontier of the Cape colony terminates and Cafferland begins, the author pursues his way into the interior, attended by one Hottentot only, named Frederic. At Graham's town, the Drostdy, or chief town of the district of Albany, he finds plentiful murmurings amongst the settlers against the colonial government, which had undone all that sir Rufane Donkin had arranged for the establishing of the Drostdy at Bathurst, a place preferred on many accounts by the settlers themselves.

The author's mode of travelling ought to be described, as it differs from that pursued by former explorers of these savage regions. His equipage, munitions, and attendants, form, indeed, a droll contrast to the important caravan which Mr. Burchell's "progress" exhibited when he set out for the Bichuana coun-

try. He had two waggons filled with commodities for traffic and for personal comfort, drawn by prodigious teams of oxen, and was attended by seven or eight armed men, or perhaps we should say *Hottentots* carrying weapons; for the expression "armed men" conveys a notion of protection, which it would be a gross fallacy to ascribe to the presence of these wretched creatures. Mr. Thompson rode on horseback, with his *one* Hottentot also mounted, and each leading a spare horse. The animals were hired at different stations, either by consent of the owners or in virtue of a fiat of the government at Cape Town, which *commanded* a supply wherever the traveller should require it.

The study of human character, as developed in the persons of the Boors, as the Dutch colonists are termed, is no bad preparation for an acquaintance with a more savage people; for it seems to exhibit a most unattractive aggregate of moral and physical qualities. The practice of keeping slaves is of itself sufficient to produce a certain degradation of character in their masters, and these ignorant lazy herdsmen-farmers, having little or no communication with Cape Town, but living isolated at their several stations, indulge the selfish passions to their full extent, reigning over wives, children, animals, and Hottentots in uncontrolled despotism. Speaking of the latter, Mr. Thompson says,

'The white men now claim the entire property of the soil, and have even deprived the original possessors of the privilege of living *free* upon roots and game. They are accounted an inferior race, and born to servitude. They feel their degradation, but cannot escape from it; they are oppressed alike by the unjust regulations and the illiberal prejudices of the colonists.'—p. 30.

The author's route next lies along the Fish River, and a more desolate tract cannot be well selected for a residence. Yet people are found in this district to occupy what are *called* farms, consisting of a dwelling place, and, usually, a fold for cattle and sheep. Mr. Thompson sleeps at one of these, and describes his host (a boor) folding his herds at night-fall, to secure them against wild beasts and Caffers. "A few days before (he adds) a lion had killed two horses near the house, and had bitten the head off one of them. Espagh, the Boor, had lost *fourteen horses,* besides other cattle, within the last two years, by the lions, which are numerous and daring in this vicinity."—p. 28.

The introductory circumstances of his journey to the interior are certainly far from attractive. Proceeding about an hour before day-light with two fresh horses and a guide, they deviate from the waggon track, in order to save distance.

'These deviations, however,' he says, 'were not very safe or comfortable, especially in the dark, when, besides the apprehension of encountering lions or Caffers in the intricate paths through the thorny jungles on the river bank, our horses were in continual danger of falling or breaking their legs from the innumerable holes of ant-eaters, porcupines, and jackals, with which large patches of country were perforated like a rabbit warren. At day-break we found ourselves surrounded by flocks of quaghas, ostriches, springboks, and other wild animals, &c.'—p. 29.

We are next made acquainted with the government station called Somerset Farm, situate at the foot of the Boxhberg range of mountains. The "district of Somerset" comprehends a large portion of territory, and this spot is the "Drostdy," or chief station of the district. It is, indeed, rather a commissariat dépôt than a farm; and the purchasing of cattle, sheep, and corn from the Boors, and the forwarding them to the various military posts, constantly occupied a great number of Hottentot herdsmen, and waggon-drivers. All this apparatus is for the purpose of maintaining the English dominion over a tract of country in which settlers are encouraged to establish themselves, to the end that they may, in good time, be taxed, and aid in the blessed work of furnishing places and emoluments for the usual candidates for colonial provision.

The capacities of the country to afford a return to capital, if left to itself, may be estimated when Mr. Thompson tells us that "the farms here (meaning the subdistrict of Cradock, which is a favourable specimen) and, indeed, throughout all the frontier districts except Albany, are of the average extent of six thousand acres; this large extent only being considered a *full place*. But they are in general merely cattle farms; not above *two or three acres*, probably, of this large extent, being *on an average* capable of culture."

In another place, he says, that beyond the Sneuwberg range, towards the north-east frontier, "the country is so arid, and water so scarce, that six thousand, or even ten thousand acres (English) of land, are frequently not supplied with water more than sufficient for one family; and large tracts of good pasture (or what is called good in South Africa) are often entirely useless from the total want of water in their vicinity." —p. 57.

The Landrosts are furnished with arms, ammunition, and, in some places, with field pieces, in order to maintain the colonists in possession of the districts gradually wrested from the native inhabitants. The people living near the frontier are kept in a perpetual state of alarm by the predatory attacks of the wild

Bushmen, against whom the greater part of the Boors exercise the severest cruelties when they take the field on a "*Commando,*" as a muster for this purpose is denominated. The tribes of northern Caffers, however, are more formidable enemies than the miserable Bushmen, since they are more able-bodied, more numerous, and better provided with missiles. It seems not unlikely, from circumstances to which we shall presently revert, that there may one day (and that ere long, perhaps) come upon the colony frontier, such an overpowering swarm of native tribes, as to expel the existing occupants.

Graff-Reinit, a considerable settlement at the foot of the Sneuwberg mountains, is described at some length, and is among the most interesting places in the colony, being fortunately under the rule of a wise and benevolent Landrost, one captain Storkenstrom. His character forms quite a resting place for the mind, in following the track of an author, who has to describe either the degraded habits of savages, or the evils and oppression attending irresponsible power lodged in the hands of ignorant "civilized" men. "Civilized," meaning that the parties can read, and probably write, and that they wear garments to cover their nakedness.

Mr. Thompson's object being, if possible, to visit the countries beyond the extreme boundary of the colony, and even to cross the mighty river "Gariep" (so charmingly described by Burchell) he is fortunate in finding the worthy Storkenstrom preparing for "a progress" in that direction, upon public business; and in his fine "travelling waggon" behold our author seated, and, drawn by eight horses, ascending the lofty Sneuwberg range, May 30, 1823. The caravan passes the "Spitskop," supposed to be the highest point in the colony, its elevation being estimated at 6,500 feet above the level of the sea. They sleep on the ground, in default of human habitations, lighting a huge fire to keep off wild beasts. The temperature in the morning was 26° of Fahrenheit.

The travellers part company at a place called Plettenberg's Baaken, formerly the boundary mark of the Colony. Mr. Thompson pursues his way, intending to proceed by the west, or left, bank of the Cradock or Nu (Nieuw?) Gariep to the Gariep, or Orange River, into which it flows. Losing his way, he crosses the Cradock, but, keeping near its east bank, reaches the Gariep at its confluence with the Cradock, the scenery of which spot is uncommonly grand and romantic. This journey, which is attended with great risk and difficulty, terminates at length in the author's safe arrival among the Griquas.

'These Griquas (says Mr. Thompson) are a mixed race, originally

descended from the intercourse of the Dutch colonists with Hottentot women. Being prevented from acquiring any fixed property in the colony, and gradually forced back from the places they formerly occupied on the frontier, a number of them took refuge about fifty years ago in the wild regions adjoining the Gariep.'

Some twenty years since, a worthy missionary found them leading a scrambling life, little better than the savage Aborigines of that wild region, and persuaded them, though not without much trouble, to locate themselves at a spot one day's journey northward from the Gariep, which they called Klaaswater—since altered to *Griqua Town*, the inhabitants also assuming the the name of Griquas in lieu of "Bastaards," which was always used in speaking of them by the Dutch colonists.*

In order to prepare our readers for the events which follow upon our author's arrival at Griqua Town, we must here introduce some anterior facts relative to the state of the Caffer nations. There has, within these few years, arisen a "great man" among the Zoolas, or Vatwahs, a Caffer people, occupying an extensive region lying south of the Mapoota river, along the eastern coast of South Africa. This man (who is named king Chaka), chief of the Zoolas, has manifested his "greatness" in the usually acceptable and appropriate way—the way obviously calculated to establish an immortal fame, viz. devastating his neighbour's country, and killing and slaying all the inhabitants thereof. King Chaka has thus, by his talents for conquest, carried such terror and desolation into the adjacent territory, that the other wretched tribes of Caffers, the Mambookies, the Wankeets, the Bacloquenis, and some inferior pastoral commu-

* Shortly before Mr. Thompson's arrival, a circumstance had taken place in the *political circles* of Griqua-town, which, it is diverting to observe, resembled not a little the transactions of the English cabinet in the early part of 1827. Mr. Melville, who, being the Government resident, played the part of "king" of the Griquas, had thought fit to elevate a man of somewhat inferior birth, but of good abilities, to a station of great importance; whereat the "old noblesse" of Klaaswater took serious offence, and declared that they would not co-operate with the new *visier*. The two Koks and Behrends, whose illustrious descent they considered entitled them to monopolize the functions of government, seceded from the town, and set up a sort of independent colony at some little distance, carrying with them as many adherents as they could muster. Upon the extraordinary occasion of the Mantatees' invasion, however, all these aristocratical discontents were superseded by the urgent necessity of combining for the purposes of defence. And the very individual at whose original elevation they were so angry, they now suffered to take the chief command of the *Griqua forces*, and Mynheer and *Kok* were content to serve under captain Waterboer.

nities, have been driven forth to seek another country, and new modes of subsistence.

'The whole of the Caffer tribes derive their chief subsistence from the milk and flesh of their cattle, and during their wars the limited agriculture they prosecute is often entirely neglected. If deprived of their cattle they are consequently driven to desperation, and must either become robbers in their turn, or perish of hunger.'—p. 204.

Our author had been but a very short time at Griqua Town, when an envoy made his appearance, in the person of Mr. Moffat, a missionary, who usually resided at Kusuman, bearing a message from the king and chief personages among the Bachapins. An immense swarm of hostile savages had ravaged the country beyond them, and were then said to be in possession of Lattakoo, having expelled the Bachapin inhabitants of that town. The invaders were supposed to be the tribes which had been driven from their own country in the manner we have alluded to above, by the Zoolah (or Vatwah) conquests, and a strong report prevailed that they were cannibals, and "had eyes in their legs." Lattakoo, or Litakun, was the capital of the Bachapins when Mr. Burchell visited that nation, but the "seat of government," which consists in the abode of the king, had been transferred, since that period, to Kusuman, a more eligible station, one day's journey nearer to the Griquas, and to the Garich. Much terror and alarm ensued at Kusuman upon the news reaching them of the approach of the formidable "Mantatees," for such was the appellation bestowed on the invading host by the Bachapins, *Mantatee* signifying, in their language, invader or marauder; the real name of these people, however, was "the Batcloquienies." They had, it appeared, been cruizing about, and plundering the adjacent tribes for subsistence; but, in consequence of a severe repulse from the "Wankeets," were, about this period, driven down upon the Bachapins.

Our author is impelled by curiosity to accompany Mr. Moffat on his return to Kusuman, with the answer of Mr. Melville (the government resident and chief functionary of Griqua Town), importing a resolution to fit out a "commando" in behalf of the Bachapin tribe. "They calculated upon mustering, in a few days, about two hundred men, mounted, and armed with muskets; had sufficient time been allowed, they could have brought into the field double that number. This troop they promised to bring up to Kusuman in ten days; and in the meanwhile it was arranged that Mr. Moffat and I should hasten forward to encourage Mateebè and his people, and prevent them from retreating till the Griquas should arrive."—p. 90.

We find our old acquaintance Mateebè, or Mattivi, still king of the Bachapins, as he was when the accomplished traveller Burchell paid a visit to their capital. Mr. Thompson is heartily welcomed by his majesty at Kusuman; and as the whole tribe were agitated by their fears of the impending disaster, little or no opportunity was afforded for the display of those traits of character which developed themselves during Mr. Burchell's stay at their capital, excepting the never-ceasing practice of begging tobacco and snuff.

The ensuing day was occupied in a multitudinous assemblage of the people, for the purpose of holding a council of war, which they term a "Peetsho." The warriors of the tribe had a place set apart for them, the rest of the enclosed space (a circular area fenced round with wattle edge) was filled with old men, women, and children. The overture, consisting of frantic gesticulations on the part of a few distinguished warriors, having been performed, the king opened the council with an animated harangue on the urgent necessity there was of resisting, by well-combined efforts, the expected invasion of the dreadful *Mantatees.* The greatest readiness is professed on the part of the audience to act up to this "*necessity,*" but the old chiefs do not hesitate to accuse their countrymen of cowardice. The assembly, however, breaks up with obstreperous declarations of martial ardour, and resolutions of the most heroic patriotism.

Mr. Thompson now undertakes to go forward and reconnoitre the actual situation and numbers of the Mantatees, Mr. Moffat accompanying him, in the direction of Old Letakun. The wild and dangerous character of this expedition, must, we opine, come up to the ideas of the most extravagant adventure-hunters. The two Englishmen start on horseback, attended by a single Bechuana servant. After about five hours riding, they come up with a waggon tenanted by one *Arend,* a runaway slave, who, having been cruelly treated by a boor in the Sneuwberg, absconded, and had now, by trafficking among the Caffers, acquired a little property. Arend conveys such intelligence concerning the "Mantatees," that our countrymen speedily decide upon "returning to the place whence they came." They find the Kusuman folks in the greatest perturbation, and, in fact, the approach of the *locust* invaders appears so certain, that our author and Mr. Moffat send messengers to expedite the Griqua commando's departure.

A third time Mr. Thompson's curiosity overcomes his prudence, and impels him to renew his reconnoitering attempt. He halts the first night with his new acquaintance Arend,* and

* The author subsequently negociates the purchase of Arend's freedom; Arend reimbursing him by sending ivory to Cape Town.

learns from him and his Hottentot comrade-servant, *Cupido Kackerlackie,* various particulars respecting the Bechuana tribes, and the north-east country. Arend tells him, among other things, that the travellers who composed Dr. Cowan's party, and who were assuredly murdered in the interior of Africa some years ago, were not killed by the Wankeets (who have generally had the credit of this crime), but by a tribe considerably farther north; this, however, is only hearsay evidence.

Mr. Thompson having prevailed upon Arend to accompany him, they push on to Old Lattakoo, which is found totally deserted, but the state of the huts evinced that it had very recently been abandoned. Arend is for getting back to a place of safety, "As," said he "the savages cannot be far off." But Mr. Thompson was not satisfied of this, and was preparing to advance, when his companion suddenly called out, 'The Mantatees! the Mantatees! we are surrounded.' On looking towards the spot to which Arend pointed, I beheld them, sure enough, marching in an immense black mass in the valley below us." The situation of Mr. Thompson was a critical one. His party manage, however, by dexterous manœuvering, to withdraw themselves, and to regain the track by which they had come thither, not without some danger from a body of savages who, perceiving them, had attempted a pursuit.

After a ride of one hundred miles the adventurous Englishman rejoins Mr. Moffat at Kusuman, with the tidings of the actual approach of the cannibal Mantatees, for such it is believed they are, and, indeed, the extreme difficulty of obtaining subsistence among those numerous and wandering tribes makes it a supposition of no incredible character.

An evacuation of the town of Kusuman is pronounced, and all the population are soon busy in preparing for flight, taking all that is moveable with them. But the Griquas arrive not! The trepidation and despair of the Bachapins are beyond control, nor are our countrymen at ease under the torture of suspense. The night setting in, "our imaginations were left to conjure up the picture of the immense cannibal host stealing upon us through the gloom, like hungry hyænas. At length, wearied out with fatigue and watching, the missionaries and I retired to snatch a little rest, with our loaded guns by our sides, and prepared for the earliest notice of danger."—p. 129.

The next morning, to the unspeakable relief and joy of the inhabitants, a cloud of dust announces the approach of the "Griquas" at full gallop (à la Bluebeard), headed by the two Koks, the native chiefs mentioned by Burchell, Behrends, and the new made lord Waterboer.

'Though neither disciplined nor accoutered like regular troops, and dressed in a garb both motley and ragged, yet with their glittering muskets and bold bearing they had a very martial appearance, and were hailed with demonstrations of pleasure and admiration, such as the finest troops in the world have rarely met with. A scene of savage feasting instantly commenced; and even before the blood was out of the slaughtered animals, their legs were cut off, and the marrow sucked out of the bones by the hungry Griquas."

A "peetsho," is next morning convened, but, as it is reported that the Mantatees were regaling themselves with the "flesh-pots" found at Lattakoo, the allies likewise fall to eating and drinking, and revelling, after their fashion, not considering themselves bound to handle their arms till the necessity should become more urgent. Mr. Thompson, perceiving that some time might yet elapse before any thing was done to repel the invaders, and moreover, not being called upon, by any sort of obligation, to join in the *mêlée*, turned his horse's head to the southward, and sped his way to Cape Town, where he arrived in about ten days. Upon his giving information of what was going on at Kusuman, the government forthwith sent up a supply of ammunition to the frontier. As our readers will perhaps be curious to know how the "commando" performed, we subjoin the substance of a narrative which was furnished by the pen of Mr. Moffat, the missionary, an eye-witness of the events.

It had been intimated to Mattivi, the Bachapin king, and acceded to by him, as a condition of assisting his people, that in case of a successful conflict, he was to prevent them from slaughtering the women and children, as was the practice among these barbarians. Waterboer being placed in the chief command of the forces, the "commando" is at length ordered to advance towards the Mantatees, who are described close to Litakun, the 24th June. After failing in their endeavours to open an amicable parley with the invaders, an attack is commenced. The savages were assembled in an open plain, and their number might amount to 15,000. "Their appearance," Mr. Moffat says, "was truly formidable. The warriors were very tall, athletic men, quite black,* with no other clothing than a sort of apron round their loins. They wore plumes of ostrich feathers upon their heads, and their weapons consisted of spears or javelins, battle-axes, and clubs."

The battle fiercely commenced, and after two hours and a half desperate fighting, the savages began to evince a disposition to retire upon the other division of their body, which

* This was the effect of charcoal and grease, which disguised their true complexion.

was at Lattakoo. Reinforced by a junction with it, they renewed the conflict.

'And it was not till they had lost their bravest leaders and chiefs,' says Mr. Moffat, 'that they judged it expedient to fall back, which they did, after setting fire to Lattakoo, in a more methodical and orderly manner than was to have been expected.

'The flames and smoke bursting from the thatched houses, and the clouds of dust raised by the movement of such a multitude, and rolling over their swarthy host, which was closely followed by the Griqua horsemen, gave a wild and striking effect to the scene, not easily to be described. * * * The armed men remained in the rear, and on each wing, and occasionally turned upon the Griquas, who followed them for about eight miles beyond Lattakoo. The pursuit was then given up; and as soon as the Griquas left them, they all sat down on the plain. They appeared extremely numerous, extending in a dense mass, about five hundred yards broad, by one hundred yards deep. If their number be computed, by allowing a square yard for each individual, it would on this calculation amount to fifty thousand.'

The Bachapins, be it observed, had contented themselves with beholding the strife from the adjacent heights, having entirely forgotten their valiant promises at the "Peetsho." Seeing the Mantatees finally move off, they poured down, in violation of their previous agreement to abstain from slaughtering, for the purpose of butchering the helpless remnant of the host. The ghastly spectacle which now presented itself was perfectly revolting; and Mr. Melville is found striving in vain to deter these cruel wretches from their bloody work; nor were his humane efforts altogether unattended with danger—

'A ferocious thirst for vengeance,' says he, 'seemed to reign paramount in the breasts of the dying warriors. Several times I narrowly escaped the spears and battle-axes of the wounded, whilst engaged in *rescuing the women and children!* Men struggling with death, would raise themselves from the ground and throw their weapons with the utmost fury at any one of us who approached them. Instead of sueing for quarter, some actually fought on their knees, their legs being broken.'

The missionaries exerted themselves to bring away the women, but these poor starving wretches could not be forced from the few remnants of eatables they found on the spot lately occupied by their tribe. Famine had reigned among the whole body; for even the warriors were lean and gaunt, though not so dreadfully extenuated as the weaker members of the tribe. Mr. Melville says [p. 171] "that they were actually cannibals,*

* An additional notice upon the subject of the cannibalism of some of the Caffer tribes is furnished by captain King, in his account of the

though not from choice, yet from dire necessity, was afterwards fully ascertained."

We cannot afford to follow the narrative of Messrs. Moffat and Melville through its sequel, which, however, we are bound to say, reflects great honour upon their benevolent dispositions; but must pass to the author's subsequent details on this subject. He afterwards learnt that the Mantatees, when they first beheld Arend and himself, took the two horsemen for *a new sort of wild animal;* and it was on that supposition that they attempted to surround and *catch* them. Soon after their forced retreat from old Lattakoo, the whole body divided themselves into two sections, one of which, after receiving a second repulse from Makabba, chief of the Wankeets, aggregated themselves to a tribe called Morootzis: the other continuing to plunder and devastate for subsistence, it shortly happened that thousands of persons were driven as beggars upon the frontier of the colony. In 1825, the same tribe fell upon and dispossessed the Tambookies, who, in consequence, were also driven closer to the colonial boundary.

'There have been,' Mr. Thompson tells us, 'in 1826, various rumours of their return, but from the measures now taken by the colonial government to watch their motions, there is no longer any reason for apprehension of their being permitted to pass the frontier line. All applications from the Tambookies for aid against them have been for the present refused. The Caffer tribes must therefore fight bravely for their own existence, or perish like those which have been already overwhelmed by the devastators. The extent of the misery and destruction occasioned among the Caffer tribes by the dispossession and subsequent devastations of the Mantatee hordes, it is impossible accurately to estimate; but, at the most moderate calculation, it is believed that not fewer than one hundred thousand people have perished by war and famine.'

It is melancholy to reflect that all this human suffering is attended by no one visible advantage, and that no remedy can be devised for it whilst the certain provision of subsistence continues to be wholly neglected.

The worthy individuals who go into the deserts of Africa from religious motives have conferred blessings on the natives wherever they have placed themselves. The progress which the belief in their doctrines has made is that which in a community destitute of the comforts of life, it is quite certain to be, namely, no progress at all. But the improvement in morals, which always attends the possession of property, and particu-

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Zoolas, inserted amongst other interesting papers, in the Appendix to the work before us.

larly of unremovable property, is forcibly exemplified among the semi-barbarous clusters which abide in the habitable spots of these arid deserts; and, for the introduction of the practice of having settled abodes, the missionaries are undoubtedly entitled to the thanks and esteem of their countrymen. It does not appear that the Caffer tribes of savages are distinguished from the barbarous people of other climes as regards their moral qualities, except that they are less sanguinary than the North-American Indians; probably because they are less in the habit of going to war. But all savages, it is found, exhibit the same general features of character, owing to the similarity of the external circumstances under which they grow up and live. The most important of these, perhaps, is the character of their government—we use the term government, because, miserable as the form of it is, there is an authority to which they submit. No means are taken by savage governments, which are usually hereditary despotisms or oligarchies, to reward actions favourable to the community, and to punish actions injurious to the community: the qualities of self-denial, of generosity, of beneficence, being sure to go unrequited, have no existence. Such being the defect of a savage government, no compensating sanction is supplied by the public approbation and disapprobation; for a community who cannot frame good laws can never create a sound public opinion. It follows thus that, as no reward attends actions which promote the general happiness, each man pursues his own selfish enjoyment by whatever means he can invent; and this principle being well understood and justified among them, leads to that refined cunning and duplicity which are so universally remarked among uncultivated tribes. All their habits may be shewn to proceed from the effects of external circumstances, and thus an acquaintance with the uncivilized inhabitants of the globe affords valuable materials to those who seek to comprehend the phenomena of human conduct.

It may be well, before we pursue Mr. Thompson's narrative of another exploratory journey, to give an outline of the physiological characteristics of the inhabitants of this portion of the globe. In doing this we shall embody information collected by former travellers with the facts contained in the work before us. The widest classification of the natives is that which divides them into two vast families, namely, Caffers and Hottentots.

The Caffers, according to Lichtenstein and Barrow, are of larger stature, stronger, and better-limbed than the Hottentots. They have black woolly hair, and a clear brown skin. They

have high foreheads and straight noses, thick lips, and, usually, beards,* which are black. The Sichuana language prevails among all the Caffer tribes; the most distant of these nations being able to comprehend each other. They talk, it is true, various dialects, but the root of them all is the Sichuana tongue. These people use no alphabetical characters, according to Lichtenstein, which is always the case where writing is unknown.

The Hottentots are of low stature: their colour is a dingy yellow. They have receding foreheads, flat noses, widely-expanded nostrils, thick lips, woolly hair, ill-shaped limbs, and are neither vigorous, active, nor brave. They speak the Hottentot tongue. But there are people which are included under the designation of Hottentot, who either do not speak the same tongue, or who talk a dialect so different as not to be able to hold converse together. The nations which are classed with the Hottentots are, 1, *Bushmen*, or *Bosjesmen*; 2, *Korannas*; and 3, *Namaquas*. The peculiarity of form so often mentioned as distinguishing the Hottentot women is common to the females of the tribes called Bushmen, and forms one among the specific resemblances which dictate the classification. The tract of country in which Hottentots are found is limited, on the east coast, to the 32nd, and on the west coast to the 25th degree of south latitude. The rest of this immense region is peopled by the Caffer nations, who are composed of more numerous tribes. The Bechuanas constitute one section of Caffers, the members of which are described as deficient in those qualities of courage and strength which commonly distinguish the Caffer race. The Bachapins (Burchell's mode of spelling the name which Thompson spells *Matclhapees*) are a subdivision of the Bechuanas, and are especial examples of the defects just mentioned.

The differences which are recognizable between the main stem of the Hottentot race and its branches consist apparently in the degree of physical and moral degradation which each respectively exhibits. Whatever defects we have assigned to the pure Hottentot belong in a greater proportion to the offsets. The average height of the Bushmen, as stated by Barrow, does not exceed four feet six inches. Their condition is so destitute that one would think existence was a burthen to these unhappy beings; yet there is room for an increase of wretchedness, and this increase is exemplified in that section of the Hottentot family who go by the name of *Korannas*, or *Koras*.

* Mr. Thompson states this fact to be otherwise.—p. 88.

The Bushmen do contrive to entrap in pitfalls, and sometimes to catch by hunting, wild animals, with whose flesh they occasionally reinvigorate their famished bodies. Whilst the *Koras* are hardly equal to the effort of procuring animal food, but subsist, if subsistence it may be called, upon roots, and, in dry seasons, when roots are scarce, upon the gum which exudes from the bark of trees! The most dreadful poverty, in short, prevails throughout these horrible deserts, and the human being is seen perhaps in the last stage of degradation, lower than the beasts who roam the same wilds; for they at least attain to their natural strength and speed, whilst the savage man is stinted in the development of every quality inherent in his species. Mr. Thompson affirms the Korannas, at least many of them, to have sunk into their present misery in consequence of being plundered of their cattle by their stronger neighbours, meaning, chiefly, the colonists, and the *Bastaards*, or Griquas. "Their present situation," says he, "exhibits the obvious process by which the Bushmen race have been originally driven back from the pastoral state to that of the huntsman and robber" [p. 253]. But, truly, the tending of herds of cattle, which he terms their "pastoral state," is very little removed from the contingencies of ordinary savage subsistence. Their cattle could neither be defended against wild beasts nor provided with food and water, in case of drought: that security, therefore, against starvation, which is supposed to attend the pastoral state, and which on that account is held to be a step towards civilization, was not possessed by these tribes, and, accordingly, the Bushmen cattle-tenders were little better off than Bushmen antelope-killers, or Bushmen root-eaters.

One circumstance ought to be mentioned, as universally applicable to the whole of the coloured inhabitants of the interior of Southern Africa, which is, that they are wholly without any religious rites. They have no superfluities out of which to provide for a priesthood. The explanation of this absence of worship, however, is obvious enough; for the adage of "point d'argent point de Suisse," may, we fear, with equal truth be used in reference to the sacerdotal band.

The author's journey to the country of the Namaquas, and the regions adjoining the course of the Gariep, occupies the second division of his book, and is, in point of interest, scarcely inferior to the former. The deserts which he was now about to traverse were even less known than those he had already visited, and the hazards to which this daring son of commerce exposed himself during the course of this expedition, proved of the most fearful description. He began his march in July,

1824, and penetrating across the bleak Roggweld, reached the north-western frontier of the colony in about ten days. He there engaged a couple of Hottentots to attend him, named *Witteboy* and *Zwart;* and once more found himself launched into the wilderness, passing over immense plains extending as far as the eye could reach, covered only with low brown bushes. Ostriches, Quaggas (a kind of wild ass), Antelopes, and other wild animals abound in these plains, as in other parts of this country. The party usually sleep in the open air, keeping up as good a fire as their fuel, dry dung, enables them to make. Their journey lies over a track wholly destitute of verdure, the soil consisting sometimes of sharp gravel and decomposed schistas, and at others of a calcareous stratum strewed over with flints. Mr. Thompson visited a huge "pan," or valley of salt, nearly forty miles in circumference, and thence steered his course north-east; passing by many Kraals of Korannas, or hordes; encampments of Bushmen, the tenants of which were living upon the larvæ of ants, and gum.

Being sorely distressed for lack of water, their situation on the fourth day became seriously unpleasant. A lion, too, appeared within thirty paces of the party; and, to complete the picture, they were destitute of food.

'We were all ready to sink under the exertions we had made, and the thirst we had endured. Jacob Zwart repeatedly declared he could hold out no longer, but wished to lie down and die.'

However, about two in the morning, they reached a nasty foul pool, which proved a relief to both the horses and men.

'We had been on horseback,' says the author, 'above sixteen hours, and had travelled in that space eighty miles, the last sixty without stopping. Our condition and that of our horses may, therefore, be readily imagined to have been one of great exhaustion. Extreme fatigue had, indeed, quite destroyed all appetite, which, as we had not a morsel to eat, was no great disadvantage. Having fastened our horses to a bush, we stretched ourselves on the earth near them, being too weary to kindle a fire, trusting that if the lions discovered us, they would prefer the horses to ourselves.

'We were awakened about day-break by the roar of a lion at a little distance, but were not otherwise molested. The other difficulties of our situation now engrossed all my thoughts. * * * * We remained here until mid-day to refresh our horses; we ourselves lying panting with empty stomachs under the scorching sun.'

Another day's wearisome lagging march ends without the discovery of a drop of water, and our travellers bivouac in the dry bed of a river, which there is evidence for believing must at some

seasons contain a volume of water of great power and force. "How precarious the periodical rains are, in these regions, may be surmised from the fact, that this river had not been running for five years."—p. 248.

After three days of famine, which pressed painfully upon Mr. Thompson, the Hottentot Witteboy goes out with his gun, as a sort of last despairing effort and in the evening returns to his anxious companions with the carcase of a Zebra, which he had shot. This relief was inexpressibly welcome, and ten or twelve pounds of its flesh were straitway incorporated with the bodies of each Hottentot. Refreshed by their food, the travellers strained forward in the direction of the Gariep, which they had the satisfaction to behold on the morrow.

'After suffering so severely as we had done from the want of water, what a glorious object did this river appear, flowing in a majestic stream, deep and rapid, and five hundred yards in breadth! We hurried down to the channel and plunged our hands and faces into the cooling waters, and at length assuaged a thirst which the briny wells of the Korannas, seemed at every draught to increase.'

'This noble stream was at this time at its lowest ebb, being only about five hundred yards across; but the numerous vestiges of its over-flowings extended over each bank at least a mile from the margin of the water, and at some places to three or four times that distance.'

The spot at which these remarks were made, was about three hundred miles from the mouth of the river, which debouches into the ocean on the west coast, between the 28th and 29th degree of south latitude. Although so large a stream, yet it is not navigable near its mouth, even for small boats, owing to its numerous rapids and shallows.

The indefatigable traveller advanced in a westerly direction parallel with the south bank of the Gariep, and was again beset with the last extremes of hunger and thirst. One of their horses was abandoned in the desert, fairly killed with fatigue, being the second which they lost on this expedition.

'We now began to be seriously alarmed for our safety. To stop here was impossible. The horses could not support thirst another day; and if they failed before we reached water, we must perish ourselves. We threw away, in desperation, our pack-saddle, our powder-flasks, and every thing we could possibly spare to lighten us; for our horses were now reduced to three, and these could not be expected to hold out many hours.'

Hour after hour did they press on their miserable cattle: at night a pool was fortunately discovered, which relieved their craving thirst, but still no food. The hapless Hottentots, cruelly weakened by famine, and a prey to black despair, here

announced to their employer their fixed determination to advance no further, but to endeavour, with or without him, to get back to the colony. The Englishman was utterly astounded at the dogged obstinacy of his men, who would listen to no persuasion; and while ruminating as to what measures it were best to adopt, to his unspeakable joy, two human beings appeared in sight. These proved to be two "Bastaards" on a hunting party, who gave them the intimation that a Missionary station was not far off. The courage of the Hottentots hereupon rallied; a renewed effort was made, and five hours tedious toil brought them to father Bartlet's hospitable dwelling. Nothing less than a whole sheep was applied to the gorging of Witteboy and his mate, whilst at intervals of two or three hours, the Englishman was provided with the best restoratives that Namaqua land afforded.

The Namaquas are, as has already been noticed, a branch of the Hottentot family. They were visited by Barrow, who, we believe, was the first to introduce them to the attention of Europeans. Namaqualand is of very large extent, reaching about 200 miles to the north of the Gariep, and as far to the eastward, from the sea coast into the interior. The people live a kind of pastoral life, and display the inert, unimpassioned, indolent, character, common to their stock. Missionaries are scattered over this country, as well as the other regions visited by Mr. Thompson; but the benefits we have pointed out as likely to result from their presence are sadly frustrated by the impossibility of establishing fixed abodes, the precarious nature of the supply of water and herbage obliging the Namaqua people to roam from place to place in order to sustain their cattle. The climate of Namaqua land is much hotter and drier than that of the east coast. "On the banks of the Gariep, the thermometer in the summer months rises frequently to 120° (Fahrenheit, we suppose) a temperature not easily supported by the natives, much less by Europeans." Beyond the Namaquas are the *Damaras*, a Caffer race, who are governed by hereditary chiefs, and live in villages, after the Bechuana fashion. "It seems," says Mr. Thompson, "that both they and the Matclhapees have adopted the bow and poisoned arrows of the Hottentots, from their close intercourse with tribes of that race; for neither the Bechuanas further to the northward, nor any of the tribes of southern Caffers, use the bow, or ever poison any of their weapons." The author had a strong inclination to cross over to the north side of the Gariep, and to explore the Damaras country, but he was deterred by the dangerous state of that district.

The abominable "Bastaards," it appears, had been preying upon

their weaker neighbours in the most merciless manner; and numerous gangs of bandits, spreading terror and distress, were distributed along the banks of the Gariep. Mr. Thompson computes the number of these Bastaards to be about five thousand, and the extent of country over which they are dispersed, seven hundred miles. The possession of muskets, which they have acquired from their former connection with the Europeans—and gunpowder, which they readily obtain from the Boors in exchange for the cattle they have stolen, make them far more powerful than the native inhabitants of these parts, who fall helpless under their barbarous attacks. "An honourable exception," Mr. Thompson observes, "must be made in favour of the principal community at Griqua Town, under Mr. Melville and the missionaries. But all the disaffected and disorderly spirits, who have either separated themselves from this community, or have fled from the colony to other quarters of the Gariepine wilderness, are now associated into bands of outlaws, who subsist, more or less, by plundering the helpless natives."

As a remedy for this horrible "reign of terror," the author suggests an extension of the colonial boundary to the borders of the Gariep; an acceptable suggestion, we take it, in certain quarters, as "a grant" must be made in that case, by parliament, for troops, Landrosts, and all the host of functionaries beside, wherewith to extend the "British rule." "The nations themselves even desire it," Mr. Thompson adds. This is no miracle; for, eaten up, and butchered as they are by Bastaards, any change must be for their advantage. The Dutch colonists certainly paved the way to a mass of evil, when they originated such an animal as the *Bastaard* who was destined to afflict his fellow creatures even worse than the roaring lion, or ruthless hyæna.

The author being, as we have already mentioned, induced to forego any further peregrination, and finding all commercial intercourse likely to be impracticable between the colony and the Gariepine clans, now winds his way homewards, coasting along the Atlantic shore, and visiting its harbours in his route to Cape Town.

The remaining pages of this work are devoted, partly to a review of the merits and demerits of the inhabitants of the colony, known by the appellation of "Boors," whom our author regards as by no means the worst class of civilized Christians in the world; and partly to a dissertation upon the capabilities and prospects which South Africa presents to the emigrating capitalist. The history of the well-known Albany colonists is also ably noticed, and further illustration afforded to the doc-

trine, that a settlement which requires to be forced into existence by the aid of loans and subscriptions, never can flourish. Mr. Thompson classes emigrants under three heads: 1st Capitalists; 2nd Practical Farmers; and 3rdly Mechanical Labourers; and offers advice and information to each—accompanied by a sketch of the expenses requisite for the experiment, and an estimate of the probable returns to the parties making it.

To a reflecting and benevolent mind, the general picture which is afforded by travellers of the southern portion of Africa, cannot fail to be unattractive, at least, if not disgusting. The vices, and the deplorable destitution exhibited by the savage population, occupy one side of the canvas. The equally pitiable state of the enslaved children of the soil, condemned to perpetual toil and debasement, fills another. The character of the Dutch African despots, who oppress all they can draw within the range of their power, it is hardly less hateful to contemplate. Add to these the serious evil of an English aristocratic viceroy, wielding an entire and uncontrolled regulating power over the colonial œconomy, placing his creatures in stations of great importance to the interests of the residents, and disregarding their feelings respecting measures which ought to be influenced by them; then the endless strife and consequent depravation of the human feelings, between the encroaching colonists and the dispossessed tribes—the liability of the settler to depredations, and even to loss of life from the Caffers—the frequent ravages of destructive seasons—the injuries done by long droughts, by the rust, and many other casualties incident to these regions—taking all these miseries together, we think a more repulsive total of circumstances, belonging to any one place of abode, can scarcely be produced.

We can only advert briefly to the Appendix of Mr. Thompson's work, which comprises many entertaining papers and notices. The habits and customs of the Caffer people are here given at some length. Their language is treated of also; but we should think few persons are likely to feel interested in these specimens.

There are some delightful stories concerning the African lions, from the pen of Mr. Pringle, among which captain Stockenstrom's adventure, when the lions put his *twenty-seven waggons* to the rout in the night, and the rencounter of "Hercules Heavystern" with a single lion of great force, take a foremost rank. Captain King's account of the Zoolas, and the monster "Chaka" (for such he truly deserves to be termed) together with some particulars respecting Lieut. Farewell's settlement on the Zoola coast, at Port Natal, well deserve

reading. King Chaka is a very Napoleon in his way, having the same insatiable avidity for conquest as the European warrior. Some few statistical documents, and a meteorological diary, are inserted at the end.

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ART. III.—1. *Mr. Peel's Bill for the Recovery of Small Debts.*

2. *Mr. Hume's Bill for the Better Prevention of Frivolous and Vexatious Arrests for Debt, on Mesne Process, and for facilitating the Recovery of Debts accruing on Deeds, Bonds, Bills of Exchange, and Promissory Notes.*

3. *Observations on the Law of Arrest for Debt.* By an Attorney. 1827.

4. *Observations on the Insolvent Act.* By W. Jones, Esq., Marshal of the King's Bench.

THOUGH it would be difficult to point out a subject more important to a people than the laws which govern them, there is scarcely one on which the people of England are more profoundly ignorant. The temptation of convicting a poacher may occasionally drive the country gentleman to the pages of Burn; or the Protestant priesthood of Ireland may seek, in the law of tithes, consolation for the obloquy with which they are assailed; but the mass of the people trouble themselves as little about the institutions under which they live—about the laws by which nearly every action of their lives is liable to be affected—as many of those laws, on the other hand, appear to concern themselves about the interests of the people. In other countries, jurisprudence has been a subject of elementary education. In his Second Book, *De Legibus,* Cicero reminds Atticus, that when they were boys, they used to learn the Laws of the Twelve Tables by heart. Transcripts of the Institutions of Solon were hung up in the city for public perusal, while a set of magistrates called Thesmothetæ were appointed (among other offices) distinctly to repeat them once a year; and the Code which has been recently propounded to Louisiana contains express provision, "that its enactments should not only be published, but taught in the schools, and publicly read on stated occasions." In England, on the contrary, the volume of Law is never opened to popular instruction; and the books of Bluebeard were scarcely more effectually closed upon his wives, than are the books of English Law shut upon the youth of England. We do not know a single school, either private or public, in which even the Commentaries of Blackstone are put into the hands of

the student; and the two Universities, with a wisdom peculiar to themselves, instead of encouraging the study of domestic law, make their legal honours the reward of an historical knowledge of institutions, which is no doubt a proper addition to the study of the philosophy of law, but ought not to be considered as an appropriate substitute for it. The want of early initiation into general politics is, in some degree, though very inadequately, supplied by the study of Parliamentary debates; but this organ of instruction is ill-adapted to convey even a partial knowledge of jurisprudence—a science equally extensive in its principles, and much more multifarious in its details.

The absence of external aids to the acquirement of this important branch of knowledge has assuredly not been compensated by any singular attraction in the study itself. A jumble of heterogeneous principles; a tissue of useless perplexities, discordant interpretations, and unmeaning refinements; the knowledge of a single branch pronounced by one of its own writers the labour of a life: can it be otherwise than that its pursuit should appal all but those who are urged to engage in it by the irresistible stimulus of gain?

The mere labour, indeed, might not of itself be sufficient to deter the man of science from turning his attention to the study. In his search after truth, he recks little of the toil with which his progress is attended: but then it is by the expanding beauty of a clear and comprehensive *system* that he is drawn onward.

The confusion of that legal labyrinth

> "In which, when once you are embrangl'd,
> The more you stir, the more you're tangl'd,"

would suffice to turn him back in disgust.

There is, indeed, a class of men to whom the reputation of learning is a sufficient motive for submission to the fatigue of acquirement. But the mere fame-hunter will naturally employ himself on that object, which with the *minimum* of labour will produce to him the *maximum* of renown. Now, either because the merit of surmounting its difficulties can only be appreciated in the encounter, or from some other causes less honourable to the profession, the fact is notorious, that proficiency in the English law is held in no extraordinary general esteem. Much better fame may be obtained at a much cheaper rate. A man therefore would be a bad economist of his time who set to work to study the law for the purpose of gaining a reputation.

The Jurisprudence of England thus left to the fostering care of the lawyers, it would have been in opposition to every principle of science, and all the experience of history, if their

science had not shared the same fate to which the most important sciences have ever been exposed, while exclusively confined to a class which was able to promote their own profit by mystifying and corrupting them. Even Mr. De Lolme (no very violent enemy of corporations) attributes the perplexities of law in general to the contrivance of lawyers to make their assistance needful; and it is well known that surrebutters and rejoinders, sham pleas and replications, have yet stood even the test of ridicule. Familiarity, moreover, always softens disgust; and the habit of minute and subtle refinement, though it may be very prejudicial to the owners of property, and the petitioners for justice, is nevertheless a very agreeable exercise of skill to the lawyer.

But there is in most human affairs a point of re-action. A nuisance may become so enormous, as to interest the most phlegmatic in its abatement. The English law would seem to have reached this point, and a spirit of investigation into its abuses has at length become prevalent throughout the country, which we hope will not subside until it has forced their reform.

In this general inquiry, particular circumstances have just now conspired to give the law of Debtor and Creditor a degree of attention. The late act of the Solicitor General, Mr. Peel's meditated bill, and Mr. Hume's attempted one, have all produced much parliamentary discussion. Mr. Peel's bill, at the least, is likely to provoke still more; and Mr. Brougham's recommendation of its consideration, among the numerous topics of his comprehensive speech, can scarcely fail to be complied with. Of all the provisions of that law, perhaps the power of personal constraint is the most important. We think we cannot, therefore, devote a portion of our pages to a better purpose than in furnishing the public mind with information and materials for reflection, on a subject of such consequence.

Imprisonment of the person in satisfaction of a debt was probably introduced into Europe by the Egyptians, for a law originally made against it by Bocchoris, and afterwards renewed by Sesostris,* sufficiently establishes its previous existence there. In Athens it was the habit, on contraction of a debt, to engage the person to the creditor on condition of seizure on default of payment; and the moment the condition was broken, the creditor was, without further ceremony, allowed to consign his miserable debtor to domestic slavery, or to sell him into foreign bondage. Nay, so reckless were

* Montesquieu, *Esprit De Lois*, liv. xx. c. 25.

the Athenians in the contraction of debt, or so heartless in their mode of compelling its liquidation, that their city had often to witness the inhuman spectacle of a parent dragging to the slave-market his own child, to pay by his sale the forfeit of past prodigality, or purchase the means of renewed indulgences. The destitution into which this state of things had plunged a very large proportion of the Athenian community was one of the principal grounds of the disturbances which Solon was invited to settle; and the law, that "no man in future should take the body of his debtor in execution," formed, perhaps, the most prominent feature in the institutions he bequeathed to Athens.

The severity of the laws of Rome against Debtors are well known. "After the judicial proof or confession of the debt," says Gibbon, "thirty days of grace were allowed before a Roman was delivered into the power of his fellow-citizen. In this private prison, twelve ounces of rice were his daily food; he might be bound with a chain of fifteen pounds weight, and his misery was thrice exposed in the market-place, to solicit the compassion of his friends and countrymen. At the expiration of sixty days, the debt was discharged by the loss of liberty or life; the insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber." The Romans, however, on this subject, were only adopting the same blundering mode of legislation which is too often to be found in the history of our own enactments. The severity of the law first operated as its own antidote, and was afterwards the cause of its abrogation. Creditors had long shrunk from the infliction of its cruelties; magistrates struggled against its application; and the disturbances which were constantly arising out of it, drove the republic so frequently into a state of ferment and confusion, that the state was at length forced to its repeal. In the year of Rome 428, the law De Nexis passed, which, depriving creditors of the right of holding the persons of their debtors in chains, gave them, instead, the power of attaching their goods. Other laws, known under the name of Nova Tabula, were occasionally enacted for the relief of the debtor, by releasing him from his debts, on payment of a proportionate part of them, and the Julian law subsequently provided for his complete discharge, on the surrender, but only on the surrender, of his property. From some cause or other, however, the Julian law fell into disuse in the latter period of the Roman Republic, but it was subsequently revived by Justinian, and the Novels expressly forbad any further detention of the debtor, after he had once availed himself of the "cessio bonorum" which they provided.

In the earlier periods of Rome, the injured party had only to meet his aggressor in the street, and he might instantly compel his answering for the grievance before the magistrate. He first addressed him by a technical expression, indicative of his request, as "In jus te voco," "in jus eamus," &c., when the consent of the defendant was expressed by his offering the tip of his ear to be touched by the plaintiff; and, notwithstanding their severity in other respects, the courtesy of the Twelve Tables here enjoined the plaintiff's providing an open carriage for the conveyance of the aged, the sick, or the infirm. "Dans la suite," however says Terasson [Partie ii. par. 3], "cette première partie de la procédure civile éprouva bien des changements. En effet longtems avant Justinien il n'etoit déjà plus permis de faire venir en jugement son adversaire par une simple assignation verbale: il falloit que l'assignation fut libellée comme cela s'observe parmi nous, et l'on convenoit du jour auquel on devoit se-presenter devant le juge." But it was a maxim of the Roman law, that the house of a citizen was his "tutissimum refugium et receptaculum," consequently no one could be forced thence into court; though if a party were suspected of keeping house fraudulently to elude an action, his prosecutor was, after certain preliminary summonses, put in possession of his goods. As society became more complicated, the trial did not always follow the appearance in such rapid succession, and a pledge then became necessary for the defendant's appearance. Under the earlier law, this was termed, vades, or vadimonium: in the Institutes of Justinian, it was better known as the "Judicatum sisti." In default of bail, the defendant was detained in the custody of the plaintiff, or, perhaps, under the empire, committed to prison; but neither the giving bail or confinement in default, could have operated as a very great hardship upon the defendant; for it appears, according to Cicero Muren. 12, Gell. vii. 1, that the trial usually took place on the *third* day after summons, though it was occasionally postponed by the prætor to a more distant period; and it would appear from the Institutes of Justinian, lib. iv. t. 11. s. 2. that this personal security was afterwards occasionally dispensed with upon the verbal undertaking of the defendant to appear, sometimes fortified by his oath, and sometimes resting only on his naked promise. The power of imprisoning as a mode of citation was, however, at all times exercised with extreme jealousy, and, indeed, Huber expressly states,* that both the reason and the

* Rome is not the only country which has resorted to precautions against the fascinations of law suits. By the Gentoo Code of Laws

institution of arrest as in use at the period at which he was writing, were utterly unknown to the Roman law. The Romans, indeed, appear to have been no encouragers of law suits. Arbitration under the term "litem componere," generally preceded every suit, and the "Juramentum calumniæ," or oath administered to both parties, that the suit was not prompted by the love of litigation, was as essential an introduction to the hearing of a cause, as the "You shall well and truly try, &c. So help you God!—a shilling"—is to the trial of an English action.*

In the vast historical chasm, which follows the destruction of the Roman Empire, it is impossible to trace with any exactness, the customs of the nations of Europe. One thing, however, appears sufficiently certain, viz. that in all their earlier jurisprudence, imprisonment of the person, either as a security for appearance, or in satisfaction of a debt, was utterly unknown. There is, indeed, a very early provision of the Salic Law;† by which the creditor could, on application to the graffia, or judge, have the person of his debtor put under a species of restraint at the latter's own house. The creditor, having obtained the sanction of the judge, repaired with witnesses to the house of his debtor, and demanded to be paid. If he neglected to obey the summons, the creditor and his *posse comitatus*, without any further ceremony, proceeded to block up his windows; and, if, preferring debt and darkness, to honesty and light, the debtor persisted in his obstinacy, an addition was made to the debt; and the ceremony having been repeated at intervals for three successive times, the creditor was put in possession of his goods, and therewith satisfied his claim. It will be observed, however, that it by no means appears compulsory on the debtor to have remained in his darkened house, and whether this custom were of any extent, or survived for any length of time, it is very certain, that in the thirteenth century, personal arrest had

[*Hindoo Institutes*, by Halhed, c. i. sec. 5], the creditor is expressly enjoined to solicit the interference of the friends and relations of the debtor, before the prosecution of any ulterior proceedings. Goldsmith, in a paper in *The Bee*, alludes to an institution in Scotland under which individuals meditating the going to law with each other were previously compelled to go before the reconciling judges called Peace-makers. England has its laws against maintenance and champerty; and, in the Canton Gazette of the 18th of October, 1822, is an ordinance of his Celestial Majesty, the Emperor of China; which setting out the increasing frequency of appeals from the provinces, "commands strict search to be made after all law-suit-exciting blackguards who fatten on feuds themselves have enkindled, and, when found, to punish them severely."

* Lib. ii, tit. 4, *De Arrestis.*

† *Capitularia Regum Francorum*, tom. i. 316. Anno Christi, 798.

become a positive violation of the spirit of the French law. Matthew Paris, speaking of an arrest, which in the year 1242, had been made of some English merchants, by the French king, says "Rex Francorum, Mercatorum Angliæ corpora cum suis bonis per regnum negotiantium, secus quam decuit, capi *feraliter* imperavit, *lædens enormiter* in hoc facto *antiquam Galliæ dignitatem*," and it was one of the Ordonnances des Rois, t. iii. p. 17, "that, if any person was arrested upon any pretext, but his having been guilty of a capital crime, it was lawful to rescue him out of the hands of the officer." Even when the arrest *in execution* had, at a subsequent period, found a partial adoption in France, the customs of particular places affixed restrictions upon the mode of its exercise; and by the Coutumes de Vermandois d'Hericourt, p. 663, it was only permitted "lorsque le debiteur condamnez ne satisfont dans les quatre mois après la condamnation." But nations must have advanced to some degree of civilization, before the introduction of *credit* can give occasion for securities against its risks. While the interchange between the hunter and the fisherman of the fruits of their toils, of the warrior with the warrior of the result of their plunder, were nothing more than simultaneous transfers from hand to hand, there were no debts incurred, and consequently no provision necessary for their liquidation. Until Europe, therefore, had emerged in some considerable degree from its pristine barbarism, the inconvenience was little felt, that while its institutions proscribed all personal confinement, they had left no other remedy for the security of the creditor. But when commerce had made some little progress on the continent, and men began to form themselves into communities for the more effectual combination against feudal aggression, the necessity had already arisen, and the charters of community first introduced the provision of making *deposits* of property on the contraction of a debt, which were either restored on its discharge or forfeited in default.* Nay, so jealous were these charters of the security of those who were to live under their privileges, that some of them rendered it compulsory upon every person who was admitted a member, to buy or build a house, or purchase lands within its precincts, or at least to bring into the town a considerable portion of his moveables, "per quæ justiciari possit si quid fortè in eum querelæ evenerit.† The provisions of these charters were necessarily very dissimilar, and in the case of deposit, it was always in the power of the parties to vary the terms in which it was held; but it appears ‡ to have been the custom in some

* *D'Ach.* 9, 185, 11, 377. † *D'Ach.* 11, 326.
‡ *Capitularia Regum Francorum*, tom. i. lib. 7, art. 299.

places, that a creditor holding a pledge in the absence of specific stipulation was to summon his debtor three times to pay his debt, and take back the pledge; and, if after three admonitions he failed to comply, the creditor was then to have full power of distraining it, a process in the exercise of which he was of course in some shape or other enabled to make the deposit available to the satisfaction of his claim. Thus the deposit became the primary security to the creditor—the first fund to which he resorted for payment; and in conformity with this principle it seems, that even the laws of Denmark, under the reign of Christian III, restricted the holder of a pledge from any other attachment against either the property or the person of the debtor. "Qui in causa de quâ convenitur," says the Danish law, "idoneam cautionem incontinenti obtulerit reali aut personali arresto obnoxius non est.* In the absence of any pledge, and the event of the debtor's becoming insolvent or refractory, the creditor was, by the authority of some of the charters, authorised to seize the effects of his debtor with a strong hand, and by his private authority; and a royal proclamation,† at one time permitted the citizens of Paris to seize the effects of a debtor in satisfaction of a debt "ubicumque et quocumque modo poterint." This was, however, in the year 1351, abolished by an ordonnance which enacted, that thenceforth no seisure should be made without a warrant from a magistrate, and under his inspection. But as the operations of commerce became more extensive, a practice, in its origin intended to give them security, was in the sequel only productive of inconvenient restriction: while the accumulating wealth of the merchant began to afford an adequate security for the punctuality of his payments, men discovered that to deposit a pawn on the contraction of every engagement adequate to the value of its subject, was only to lock up a moiety of capital in inaction. A sense of mutual inconvenience necessarily begat mutual relaxation, and the habit of pledging must consequently have fallen into gradual disuse, though the precise period of its discontinuance we have no means of ascertaining.

A fresh remedy was, however, springing up for the creditor, introduced in the nations which adopted it, from the example of the canon law, and made necessary by a principle of their own jurisprudence. Whether a remnant of the law of the Visigoths, that "merchants who came from beyond sea should be judged in their differences by the laws and the judges of their

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* *Reg. Christ. Quint. Jus Danicum,* by Mighorst, lib. i. c. 21.

† *Ordonnances Des Rois,* t. i. p. 16.

own nation," * or adopted in conformity to a similar provision of the civil law, the continental nations had early recognized the maxim that jurisdiction follows the domicile of the defendant. But if the inconvenience of prosecuting suits in foreign courts would even in the present day be enormous, how insufferable must it have been at a period but a little posterior to that in which an abbot of Burgundy could decline the invitation of count Bouchard to assist in the foundation of a monastery in the neighbourhood of Paris, "because it would be extremely fatiguing to him to go along with him in a strange and unknown region," and the entertainment of travellers, instead of devolving upon the keepers of inns, was cast upon private individuals, and provided for by penal statutes. To obviate an inconvenience of such magnitude, a practice, therefore, began to be introduced, of putting an arrest upon the goods of a foreigner in order to force him to plead in the requisite jurisdiction; and in the duchy of Normandy this seems to have been coeval with the custom of pawning, and permitted only as substitutionary for it.† So slowly, however, do nations emerge from barbarism, that it was in its origin only the special privilege of particular cities, among which the Coutumier de Normandie enumerates Rouen, Louiers et Pont de Larche.

A precedent thus established to meet the exigency of a particular case received by degrees a more extended adoption, and attachment of the property of an aggressor, in order at once to enforce his attendance, and be the subject of execution, came into very general use among the greater part of the continental nations. Known in France by the name of the Brief of Distress, it was addressed to the judge of the district within which the defendant resided, authorising an entry into his house and seizure of a quantity of furniture about equal to the debt, and contained the appointment of a day either to disprove the debt or reclaim the property. If, at the expiration of forty days, the defendant denied the claim, the necessary proof was instantly given, or the action fell to the ground. Proof once obtained, sentence followed, which condemned the debtor to payment at the end of fifteen days. After this respite, if the debt were not paid, the goods were sold, and the creditor paid out of their produce, or a sufficient part was delivered over to him in satisfaction of his debt.‡ Notwithstanding, however, the ordinance which prohibited private seizure, it appears from Houard,§ that

* Montesquieu, *Esprit de Lois*, liv. xxi. c. 18.

† *Le Grand Coutumier de Normandie le Stille de Proceder*, fol. 82.

‡ *Anciennes Lois de France*, par Houard, tom. i, p. 290.

§ *Ibid.* p. 501.

in trifling matters, as "quand s'agissoit d'une somme moindre que quarante sols," the creditor might still avail himself of the power of distress without the judicial sanction of a brief. From France not only the institution, but the very term, had, previously to the fifteenth century, been introduced into Scotland, where in its arrestment of a stranger's effects, "jurisdictionis fundandæ causa"* the institution survives at the present day, under the name of a distringas. A similar institution early formed an appendage to the English Writ of Original. Formerly, the only process which the law of England allowed to the creditor, the Writ of Original, was nothing more than a mere *summons* to the defendant, and contained within itself so little of compulsory provision for obedience, that not only could the defendant, on *casting an essoign*, that is, sending his servant with an excuse, have his appearance to the action postponed to his own convenience, but he might, by never making any appearance at all, arrest all further progress in the suit. Distress upon the property, in order to force an appearance, was accordingly resorted to in the event of default, and the continuing obstinacy of the defendant exposed him to renewed processes of distress until either an equivalent had been realized to the demand of the claimant, or under what was termed *distress infinite*, the whole of the property had been seized. The older lawyers of England were, however, more careful of frivolous prosecutions than their modern brethren. An institution of Alfred had provided against the prosecution of any civil action without the plaintiff's previous production of two pledges for the purpose of satisfying the court that he had a real cause of action, and was not of a litigious and quarrelsome temper. This only paved the way for further refinement. Regular amerciaments were fixed upon these parties (subsequently termed pledges to prosecute), in the event of the plaintiff's failure in his suit; and if the pledges were unable to answer the amerciament, the sheriff was rendered liable to the king for their insufficiency. Messrs. John Doe and Richard Roe became gradually, however, substituted for the more substantial pledges of the olden time; and were the law against the sheriffs to be now enforced to its letter, we suspect they would have some little difficulty in exacting the amerciament from two such mercurial gentlemen, one or the other of whom is declared, in every latitat which issues out of the court, to be running up and down the country, and secreting himself.

The process by distress having thus become generally

* Erskine's *Instit.* 18.

established, a further security was devised for the creditor in the power of attaching the person of his debtor. In England, the lords of the soil, in the absconding of their bailiffs, without leaving behind any property on which to distrain, were the first to discover an insufficiency in the remedy by distress. But aristocratical grievances seldom long survive the discovery, and in the 52nd year of the reign of Henry III, a statute was passed, called, from the place of assemblage, the Statute of Marlbridge, which enacted "that if bailiffs which ought to make account to their lords do withdraw themselves, and leave no lands or tenements whereby they may be distrained, *then* they shall be attached by their bodies." The merchants were not slow to profit by the hint, and in the eleventh year of the reign of Edward I, they procured the passing of the statute of Acton Burnell, which, empowering the merchant to bring his debtor before a magistrate to get his debt acknowledged, and a day appointed for its liquidation, gave him, in the event of failure at the appointed time and insufficiency of the process against the property of his debtor, the power of taking his body in execution. In the 13th year of the same reign another act was passed in favour of the barons, which enacted "that when masters have assigned auditors to take their *accounts*, and their servants, bailiffs, and receivers, are proved in arrear, their bodies shall be arrested, and, by the testimony of their auditors, be sent or delivered to the next gaol, to be kept by the sheriff *in irons*, until satisfaction of the arrears;" and a statute passed in the 25th year of the reign of Edward III enacted that such process should be made in a writ of debt as was used in a writ of account. The legislature, however, was only extending by positive enactments what the expounders of the law were at the same time, by indirect measures, accomplishing. All actions of debt, as matters of a civil nature, were anciently in the exclusive cognizance of the Court of Common Pleas, the jurisdiction of the King's Bench being restrained to trespasses, conspiracies, and such other causes as were considered to savour of a criminal nature. But as the latter court began to increase in celebrity, men became desirous of having their *civil* causes submitted to its decision, and such wholesale dealers in fiction are English lawyers, that they were not slow in contriving the means. A party once in the custody of the marshal of the King's Bench being considered amenable to every charge that could be brought against him, it was only necessary to get him there, and the thing was done. But this was easily accomplished by filing a bill against the party for an *ideal* trespass; as the result of which, he was supposed to

be consigned to the requisite custody; and the lawyers having thus ingeniously conjured him into it, thenceforth coolly continued their proceedings as if he were in reality there. In acquiring, then, the cognizance of the Court of King's Bench for matters of a civil nature, the appropriation of its power of imprisonment followed as a natural consequence. At first, disobedience as well to the original writ as to the ulterior summons given by the sheriff in the writ of pone on an attachment must have preceded the exercise of arrest, but these preliminary precautions subsequently fell into disuse. In Scotland it was about the fifteenth century that the same power of arrest first began to be established; and in that country its origin may be traced either to indirect modes of proceeding, as for rebellion against the commands of the church or king, or to the precedent set in the recovery of merchant debts.* But the precedent established in Scotland for merchant debts, not only there, but in all the other nations of Europe which recognized the principle of domicile forming the basis of jurisdiction, originated in the necessity of a further expedient than attachment of property, in order to remedy its mischief. As commercial transactions assumed a more extended character, the grievance sustained by the English barons in the absconding of their debtors "without leaving behind them any property on which to distrain" began to be felt by the merchants of foreign marts in their dealings with those who came from distant countries to frequent them. The necessity of the case accordingly gave birth to the detention of the person, and a practice thus originally conceded as the special indulgence of privileged cities,† and restricted to a specific emergency, became gradually extended both in the parties to its enjoyment and the objects of its application, until about the middle of the seventeenth century, it was generally tolerated in all the continental nations. To the operation of this one cause all the civilians seem to ascribe their provisions for arrest. "Frustra simus," says Bynkershoek [tom. ii. p. 148], "nisi id jus derivemus ex sola ratione subjectionis ut inde quoque derivanda est omnis origo arrestorum quibus hodie tam prolixe utimur." Though thus admitted, however, as an established principle of jurisprudence, its exercise was, throughout the continental nations, always regarded with the utmost jealousy. Wood declares its application in civil causes to have been restricted to cases in which either the party was suspected of flight or the previous admonitory citation had

* Bell's *Commentaries on the Laws of Scotland*, vol. i. p. 4.

† *Coutumes de Vermandois*, tit. xxi. art. cclxxx.

proved ineffectual to compel an appearance; and the laws of Verona, enjoining a preliminary process for obtaining in the property of the debtor a pledge or security for his abiding the events of a suit, expressly forbad all imprisonment of the person until this had proved ineffectual. The modern jurisprudence of both France and Scotland have still further restricted its exercise. Under a system like that which is established in the former, where the number of its tribunals, joined to the constancy of their sittings, may be said, in strict reality, to "bring justice home to every man's door," there is little occasion for throwing a man into jail, in order to secure his appearance to a suit, and the code has accordingly expressly forbidden all preliminary detention of the person—"Aucune contrainte par corps ne pourra être mise à execution qu'un jour après la signification avec commandement du jugement qui la prononce."* And again,† "La contrainte par corps dans les cas même où elle est autorisée par loi, ne peut être appliquée qu'en vertu d'un jugement." The "signification" is a formal announcement of the judgment, and is directed to be made either by an officer of the court or by the president of the Tribunal de Première Instance, in which the debtor may chance to reside. With certain insignificant exceptions relating to residents on the border, and inhabitants of boroughs royal, all process of preliminary coercion has long been restricted in Scotland to the warrant De Meditatione Fugæ, which is conceded in prevention of the suspected flight of a debtor. "*If he is not,*" says Mr. Bell, ‡ "*meditating removal from the country,* NO CIRCUMSTANCE WHATEVER *can entitle the creditor to insist on bail, for the purpose of his actual appearance.*" But even this can be only obtained by the creditor's swearing to the truth of his debt, and to "his belief of the debtor's intention to escape from the country, and on justifying this belief in presence of his debtor, by statement of the grounds of his suspicion, and by an examination of the debtor himself." In its "Diligences against the person," indeed the Scotch law recognizes a process by which the persons of all debtors promiscuously are rendered liable to seizure in *execution;* but this, instead of being, as it is in England, summary in its exercise, issues only after the interposition of other proceedings. The registration of a debt, like the entry up in England of judgment on a warrant of attorney, places the debt on the same footing as if a decree had

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* *Code de Procédure Civile,* liv. v. tit. 15.
† *Code Napoleon,* art. 2,067.
‡ *Commentaries on the Law of Scotland,* vol. i. p. 293.

been solemnly pronounced of its existence;* and, as written admissions of a debt, in all bonds, bills of exchange, and promissory notes, the law of Scotland *implies* a decree of registration. But in order to enforce a demand constituted (either by formal decree or registration, actual or implied) what Scotch lawyers term a *debt*, the creditors have to sue out a process known by the appellation of Letters of Horning, which is a mandatory citation to the debtor to pay or perform his obligation within a day certain; and, until after disobedience to this citation, the writ of caption is never permitted to issue.† Nor has this jealousy of personal constraint been confined to the nations of Europe. Our readers may be surprised to learn that even the Gentoo code‡ has guarded, by the severest penalties, against the imprisonment of the person for debt. It is true that men of the lowest castes, coolies, and handicraftsmen, are thought too degraded to be worth the protection of the law. But while in the true spirit of aristocratical legislation, which conceived that particularly polite article of their code "that if a man lend money to a *magistrate*, to his *own master*, or *to a Bramin*, he shall not be rude or uncivil in procuring payment," the Bramins have left the more mean of their castes to their fates, it is not until after a very long preliminary process that the creditor is, in ordinary cases, allowed to take possession of the person of his debtor. "If a creditor," says Halhed, "on the day appointed, demand his money of his debtor, who refuses to discharge the debt, first, he shall speak to the friends and relations of the debtor, and procure them to demand payment; next he shall go in person and importune for his money, and stay some time at the debtor's house, but without eating and drinking; if these means fail, he shall carry the debtor home with him, and, having seated him before men of character and reputation, shall then detain him. This failing, he is, by feigned pretences, to get hold of his goods; or, if any pledge is deposited, he is to carry the same before a magistrate, who shall sell it for the debt. If he cannot, by evasive means, distrain the goods, he shall confine the debtor's *wife*, children, cattle, buffaloes, horses, and also his pots, pans, clothes, mats, and furniture, and seating himself at his debtor's door, shall then receive his money; and if these methods prove unsuccessful, he shall seize and bind the debtor's person, and procure by forcible means a discharge of the debt."

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* Erskine's *Institutes*, 173.

† Bell's *Commentaries*, vol. i. p. 8.

‡ *Institutions of Menu by* Halhed, chap. i. sec. 5.

But while in other countries *personal* restraint was only thus tolerated as a remedy against the failure of other process, not only did the law of England require no such preliminary proceedings to its exercise, but in discontinuing its ancient habit of requiring on the part of the plaintiff pledges to prosecute, it abandoned all security for the justness of a demand; and even down to the first year of the reign of George I, a party might, at the caprice of a solitary creditor, be immured within the walls of a jail, "for any sum of money, however trifling, or to any amount, however considerable;" and that too, without even the caution of an oath of the existence of the debt, and with no other solemnity than the payment of the fees incidental to the issuing of a process.* The 12 Geo. I, chap. 29, first enjoined an affidavit before the warrant of arrest could be obtained, and, restricting the application of that warrant to cases in which the cause of action amounted in the superior courts, to 10*l.* and upwards, and in the inferior, to 40*s.* and upwards, substituted serviceable process only, for all sums below those amounts. That statute being only temporary in its operation, a subsequent act was passed to give it perpetuity. Other enactments affixed the same restrictions upon the proceedings of inferior courts, as were by the former part of that act enjoined for the superior, and the 51 Geo. III, chap. 124, extended the restriction to 15*l.*, with an exception in favour of bills of exchange and promissory notes, which were still left under the operation of the former statute. The natural expiration of the latter act, during the last session of parliament, gave birth to the bill of the Solicitor-general, for further prevention of arrest on mesne process, and 20*l.* is by that act now fixed as the *minimum* for which the power of arrest can be exercised. With the solitary exception however of taking away the application of the expensive process by special original, to all sums under that amount, it has added no other restrictions, and with one or two insignificant alterations, this bill has in all other respects, left the law precisely where it found it.

But it is not only in respect to original seizure that imprisonment of men's bodies for debt in England has been what the merchant Malynes long ago pronounced it, "a greater hardship than is to be found in any other Christian or Heathen country." In borrowing from the canon law its *cessio bonorum*, the nations of the continent early provided a mode by which the insolvent debtor could at once command his release from confinement, and the creditors the surrender of his property, in satisfaction of their

* Tidd's *Practice*, c. viii. p. 106.

claims. In France this salutary provision was incorporated into its jurisprudence by the Etablissement de St. Louis. Wood recognizes its existence as a formal part of the law, not only in France, but throughout Germany and Spain, and he tells us of a provision which once formed part of the civil law, by which a bankrupt could, even without the surrender of his property, on making oath of his inability to meet the demands of his creditors, obtain a formal licence for continuing his trading. A matter of great solemnity, the Cession, was, according to the civil law, to be effected in a court of justice; and the description given of it by Malynes in his "*Lex Mercatoria,*" written about the middle of the 17th century, as it was then exercised throughout Germany, France, Italy, Spain, and the Low Countries, is sufficiently curious to merit insertion. "The party cometh before the Town House, and standeth upon a stone, in the view of all the people, and unloosening his girdle, desires them, and all the world, to take notice, that he hath nothing left to pay his creditors, and so renounceth all what may be found to be his, or to what any manner of ways he might pretend. And in token whereof, he may not wear his girdle any more, nor be employed in any business as a living man. But afterwards by composition with his creditors, he may be restored by a declaration, to be made by some officer on the said stone, and then he is permitted to wear his girdle again." At Lyons, the debtor was forced to wear a green hat as the badge of his disgrace; and in Russia, a blow upon the leg inflicted so as to cause a violent pain, formed at once his punishment, and the process of his discharge. In this respect, however, instead of benefitting by the example of other countries, the jurisprudence of England has only borne that remarkable resemblance to Chinese legislation, which in other matters it is occasionally fond of displaying. Alike possessed of a state specific for the cure of all disorders, the bastinado is the specific of China, and in the infliction of blows on the body of a debtor, the Chinese legislators fancy they have discovered a very efficient method of paying the creditor. Adjusted with much care, their code contains a graduated scale, fixing according to the amount of deficiency, and the duration of default, the proportions in which it is to be administered; and thus, for instance, default to the amount of 5 leang or upwards, for the space of three months, is visited with ten blows, with an increase up to forty, at the rate of one degree for every additional month.* But

* *Ta Tsing Leu Lec,* by sir G. Stanton, b. vi. sec. 149, tit. Usury.

what the bastinado is to China, imprisonment is to England, and while this was the corrective for all other offences—political, commercial, or theological—it ought not to be matter of surprise that keeping a debtor shut up in a jail, should nearly all this time have been presenting itself to our legislators as the most obvious possible method for paying his debts. A statute of Ann, which passed in the year 1705, at the same time that it pronounced the punishment of *death!* for a bankrupt's making default in his personal surrender to his commissioners, or concealing his property,* had, indeed, in the case of *traders*, provided a mode of discharge, while occasional acts of grace, by a blundering system of legislation, released the debtor at once from confinement and his debts. But while the one was exclusive in its operation, the other was arbitrary in its existence; and so bigotted were our legislators to their hereditary panacea, that it was not until the year 1759 that a statute of George II which, originating in the House of Lords, was called the Lords' Act, first provided a formal means of escape from that savage maxim of the common law, that a debtor once taken in execution, was to be kept *in salvâ et arctâ custodia* until the satisfaction of his debt. That statute enacted, that debtors confined in execution for any sum of money not exceeding 100*l.* should be discharged on delivering up their property to their creditors. Subsequent acts extended the amount, first to 200*l.*, and afterwards to 300*l.*, and the late Insolvent act has now removed all limit as to amount. It forbids, however, the debtor even to file his petition for its benefit until the expiration of a fortnight from the period of committal; and, as six weeks is the *very minimum* in which the discharge can be got through, a party cannot at the lowest calculation, extricate himself from confinement, except by private compromise with his detaining creditor, in a shorter period than two months, notwithstanding that on the very day of his committal he may be ready to execute the necessary surrender of his property. But while neither this nor any other provision of the law (except the statutes of bankruptcy, which are restricted in their operation to a particular class) has rendered the cession of his property *imperative* on the debtor, a very large portion of wealth is exempted from all liability to attachment. Neither bank nor

* A comparison between the enactments of this statute, and the reception bestowed upon sir Samuel Romilly's act, for extending to simple contract debts, that liability to which specialties alone then exposed land, is a pretty strong proof of the influence of *interest* in the legislation of this country. The legislators of Ann subjected dishonest bankrupt *traders* to the punishment of death. The legislators of Geo. III *countenanced* the dishonesty of *landholders*.

promissory notes, bills of Exchange, stock in the public funds, copyhold property, or mortgaged land, are liable to be taken in execution by any legal process whatever; and though land, of which the owner is seized in fee simple, is liable both in his own hands, and those of his representatives, to debts, which, being either recorded in a court of law, or under the sealed acknowledgment of the debtor, are technically called *specialties*, a measure of sir Samuel Romilly for extending the same liabilities to debts resting only in simple contract, was by our virtuous legislators scouted with disdain. Under the name of equitable assets, property, indeed, of whatever description, may, by means of certain proceedings of the Court of Chancery, be rendered available to the satisfaction of the creditor; but beside that, the court is universally looked upon as "the valley of the shadow of death;" the affairs of the debtor must in some shape or other have formed the subject of a suit, in order to warrant its interference; and such is the protraction of all its proceedings, that were a creditor to attempt to avail himself of its remedies, before he could succeed in receiving payment of his debt, the very remembrance of its existence might perhaps have been effaced from his mind. Even the processes which the law allows at all against the property, the writs of *elegit*, *fieri facias*, and *extent*, are for the most part miserably defective. The last lies only in special cases, and the writ of *elegit*, which is the process against land, authorizes only a sequestration of a moiety of the intermediate rents and profits, until the ultimate satisfaction of the debt. The operation of the *fieri facias* is confined to the personal property of the defendant; and its inadequacy as a remedy to the creditor is increased by the legal prohibition of breaking open the debtor's house, in execution of the writ. A debtor, therefore, who has effected a sufficient barricado of his premises, may set his creditor and his execution at defiance, while the creditor is left to console himself for the loss of his property, in that imperishable maxim of the British constitution, that "every Englishman's house is his castle."

In thus contrasting the English law of imprisonment for debt with that of other countries while we have shown how utterly it has disregarded the grand principle of rendering the property of the debtor available to the payment of his debts, we think our readers cannot fail to have been struck with the distinction exhibited in its lavish exercise of personal restraint. Our legislators, with a grace which sits peculiarly well on a class exempted from its grievances, seemed in their late refusal to Mr. Hume, of a committee of inquiry on the subject, to consider

this distinction too insignificant for their notice. To us, however, who are steadily opposed to all unnecessary contrivances for augmenting human misery, a power which "exposing the liberty of one man to the passions of another," involves the capricious infliction of suffering to a prodigious amount, appears too formidable to be passed over without an examination of its expediency, and to that examination we accordingly pass on. We must previously, however, remark, that in order to understand the course of reasoning which it involves, it is essential our readers should clearly recognize in their own minds the distinction between debt, as it is the mere acceptance of a credit reposed by one man in another, and the fraud by which that credit may be unjustifiably obtained.

Now we apprehend that imprisonment for debt must be resolved into one of three elements—Punishment, Safe Custody, or Coercion.

In every application of punishment it must be kept steadily in view, that *prevention* is its only legitimate object. Debt, then, must have existence either in inability or fraud; and that either in contraction, continuance, or the combination of both. Inability is produced by uncontrollable circumstances, or it is the result of imprudence. In the former case it is incapable of anticipation. But punishment can have no *restraining* effect upon that which cannot be foreseen. Its infliction, then, in that case, would be a mere gratuitous waste of suffering. Imprudence, it is true, may by excess become fraud, and it is difficult to fix the point where imprudence terminates, and fraud commences. The circumstances of each case, however, can either supply the *proof* requisite for its determination, or the case itself must be considered one of sheer imprudence. Foreknowledge of the consequences of imprudence is certainly its best corrective, and the more hurtful the consequences, the more is that foreknowledge likely to operate. We believe, however, that few of our readers would contend that prisons ought to be established for the mere purpose of inculcating lessons of prudence. The cure would be more irksome than the malady; and should imprudence ever become a penal crime in the law of England, and imprisonment its punishment, the whole area of the country would be wanted for a dungeon. We might then, indeed, have plenty of "thieves to catch thieves." The only difficulty would be, to find a sufficient number of individuals at large, to constitute a court for the trial of the offence. On the subject of fraud, Mr. Mill lays it down in his admirable article on Prison Discipline, p. 5, "If fraud were committed in contracting the debt; or if the property of others, obtained by loan,

had been dishonestly spent, or dishonestly *risked*, such fraud or dishonesty being CRIMES, not a debt, might justly subject a man to imprisonment, *or any other sort of due punishment.*" It is hardly necessary in us to express our entire acquiescence in this opinion; but, if we might presume to add any thing to it, we would include the fraudulent *withholding* of property among the objects of punishment. But in order to give to punishment a restraining effect upon the commission of an offence, it should be made the penalty of that offence, and not be suffered to be inflicted indiscriminately, whether the offence had existence or not. Under the present system, however, the dishonest debtor is no more exposed to imprisonment than the honest one, and with both imprisonment is nothing else than a remedial process for the recovery of debt. To suppose it then a warning example against the perpetration of fraud is no less an absurdity than to imagine that a man will be debarred from smuggling by being put into the stocks for bigamy. Whether, in cases of fraud, the Insolvent Court be the proper tribunal of punishment, or the imprisonment now administered under it, its best possible species, are problems we shall not now pause to solve. We cannot help observing, however, that the purposes of punishment are very little attended to in the present constitution of that court. It is not until the debtor applies for relief under its provisions, that the court acquires any jurisdiction to punish the fraud. Punishment is a mere *incident* to insolvency. Up to the period at which the court acquires its jurisdiction, the criminal *charge* against the debtor has *no existence*. To make punishment, then, a pretext for the present system of imprisonment, is to induce the anomaly of punishment *without an offence*, a remedy without a mischief—an effect without a cause. In the language of Mr. Burke, "Every idea of judicial order is subverted by this proceeding. If the insolvency be no crime, why is it punished with arbitrary imprisonment? If it be a crime, why is it delivered into private hands to *pardon without discretion*, or to punish without mercy, and without measure."

In considering the necessity of imprisonment for the purpose of safe custody, we must again distinguish the objects of detention. When the object is submission to a judicial trial of any species whatever, upon a *charge* of fraud, the same security for appearance is necessary, as would be demanded for the trial of any other description of *crime*. But it so happens, that under the English law the charge is never instituted until by application for relief under the insolvent act, the criminal *invokes* his own punishment. The party by whom he is arrested

is frequently even ignorant of the existence of fraud. To detain a man, then, upon the double speculation of guilt and accusation, would, indeed, be the perfection of security, but it would be a perfection which would not leave an individual in the kingdom exempt from liability to perpetual incarceration. We do indeed remember a French farce, "Le Peintre Français à Londres," in which this principle of security is even extended to the locking up of debtors upon much the same principle as that on which we lock up lunatics, namely, to keep them out of mischief. Maurice, an unfortunate painter, having been tempted to a gambling house as a means of replenishing his fortune, is threatened by his creditor with arrest. Maurice asks him whether he would really do so cruel a thing; to which Durocher very coolly replies, "Oui, mon ami, pour votre bien. Vous êtes trop dissipé dans le monde; vous jouez et vous ne peignez pas; là bas vous peindrez et vous ne jouerez pas: le jeu ne vaut rien pour un peintre.". The specific of Durocher is certainly very effective; but in these days of *Crockfordism*, it is not likely that it would be particularly popular among our legislators. For civil purposes the objects of safe custody can be only two-fold security, for appearance to an action, and against the suspected flight of the debtor. The necessity of the former originates in a mere fiction of the lawyers, and, like most of their technical principles, is founded in absurdity; for it will be obvious to any man whose mind is not warped by the narrow sophistries of the law, that if a defendant, after the expiration of adequate notice, do not choose to defend an action which has been instituted against him, the plaintiff ought to have the power of proceeding on the default. In actions commencing by service of process, even the lawyers themselves have admitted the precedent. An intention of flight is always a sufficient indication of dishonesty, and the absconding of the debtor has generally a tendency to prejudice, if not to defeat, the rights of the creditor. Where, then, there is no property on which to lay an adequate embargo, imprisonment is in this case the only remaining remedy, and should be resorted to accordingly. It is obvious, however, that this is a special ground for its application, and demands preliminary investigation and proof. Against the contingency of flight, the civil law contained express provision, and, indeed, in the writ of *ne exeat regno*, the court of Chancery has given it adoption. The writ of *ne exeat* does not, however, extend to cases of debt, and it is too expensive a process for ordinary purposes. We should, therefore, propose some new provision for the emergency, and perhaps the Scotch warrant, *De Meditatione Fugæ*, to which we have previously alluded, is the

best model we could copy. It is obvious, that the necessity of the case requires the utmost possible combination of facility and expedition. For this purpose, presumptive proof might be substituted for demonstration; but care should be taken so to fetter the process with securities, as to prevent its perversion from its original object. We cannot dismiss this part of the subject, however, without throwing out the suggestion, that it would be well, if from the safe custody of the person, our legislators would turn their attention a little more to safe custody of the *property*. Under certain processes of their law emphatically called "diligences for intermediate security" in every debt of registration, either actual or implied, and in all cases in which a debtor can be sufficiently proved to be what they term, "vergens ad inopiam," the Scotch possess a power, either previous to the commencement of an action, or during its prosecution, of laying an embargo upon the property of a debtor, which, by certain ulterior proceedings, they may make available to the liquidation of the debt, if on a judicial trial such debt should be found to have an existence. A provision so necessary, must find a place in every good system of jurisprudence, and it was one of the objects of Mr. Hume's bill,* to introduce an analogous one (analogous at least in principle) into the law of

* As we think it highly important that the provisions of that bill should be known, we transcribe it from the epitome contained in the concise and instructive pamphlet on the Law of Arrest for Debt, which we have placed at the head of our article.

1st Clause, Abolished arrest for debt, or holding to bail on mesne process, and directed the proceedings to be commenced by service of copy of process, as at present.

2nd Clause, Allowed the service of the copy of process to be sufficient, if left at the office or residence of the debtor, with his clerk, or any individual of his family, of at least 15 years of age.

3rd. Clause, Authorized the judge of the court, out of which the process issued, to discharge any debtor from custody, if arrested contrary to the provisions of the act.

4th Clause, In consideration of taking away the power of arresting the debtor, power was given to the creditor, in cases of simple contract, book-debt, or account stated, where the debt had been due at least three months, to issue a distringas against the debtor's goods and chattels. The creditor was to file an affidavit of his debt, and by the

5th Clause, The creditor was also required to give security for the justness of his debt, and for due prosecution of his suit.

6th Clause, Restrained any sale until fifteen days, and gave the debtor a power to replevy, by giving security for the amount of the debt thereafter to be found due.

7th Clause, Prevented the denial and delay of justice to the creditor, in compelling him to resort to expensive proceedings at law, for the recovery of debts due on deeds, bonds, bills of exchange, and promissory notes, where the sum of money is admitted to be due by the written confession of the debtor; and the creditor was entitled, at the end of fifteen days after

England, if, indeed, that bill can be entitled to the merit of introducing a principle, of which creditors for rent had for centuries been permitted to avail themselves. It is well known that these have a discretionary power of issuing at any moment they please, and without any judicial formality, a distress upon the property of their tenants, for all the rent which may be due to them, with the power of sale in satisfaction of the debt, at the expiration of a certain number of days, if the debtor should have neglected to replevy in the interim. Mr. Hume's bill proposed to give the same remedy to all creditors on simple contract, which is still the exclusive privilege of creditors for rent, limiting the period of its exercise until three months from the contraction of the debt. The convincing argument by which it was opposed by the late attorney-general, was his *hatred of* the Scotch system! How long the bigotry of attorney-general will induce owners of property in this country to forego an opportunity of increasing its security, yet remains to be seen.

With respect to the principle of coercion it must be premised, that, under a good system of law, not only would property of every conceivable description be liable to the payment of debt, but the utmost possible facility would be given to render it *tangible*. Out of the property, however, either of the debtor himself or of his friends, must all payment proceed. When the *locus* of property is known, the creditor's power of resort to it would be obvious, and it will never be asserted that the property of friends should be affected with liability in the absence of voluntary adoption of the debt. With good laws, then, the only occasion for imprisonment as a means of coercion, would be the necessity of an instrument either to force the disclosure of concealed property, or to induce on the part of friends, that voluntary adoption of the debt, which would affect their property with equal liability.—For purposes of compulsory disclosure we are not sure that a severer species of coercion should not be resorted to than mere imprisonment. The greater the pain, the speedier would be the accomplishment of the object, and it would be always in the power of the debtor to avoid by confession its infliction. But neither imprisonment, or any other

his debt was due and unpaid, to enter up judgment, and to issue execution, as if he had possessed a warrant of attorney, with confession of debt, the creditor being required to file an affidavit of the amount due.

8th Clause, Enabled a judge of the court to stay proceedings, and set aside the execution, if he was of opinion that the debtor had a good defence at law, and in case he gave security for payment of the debt and costs thereafter to be found.

9th Clause, Enacted, that the above provisions were not to extend or apply to any debt which had arisen previous to the passing of the act.

agent of coercion should be tolerated until an adequate presumption of concealment had been created, by tracing the property into the possession of the debtor, and failure on his part, in establishing an adequate rebutter. It is obvious, that these are preliminaries which must be determined by some species of judicial investigation. To make the *forcing agent* the primary process, is to inflict torture without proof of its occasion. But if this forcing power be necessary to complete the security of credit under a perfect system of law, the demand for it is increased under an imperfect one in the exact ratio of its imperfections. In the law of England, therefore, where not only is there no facility given in rendering property tangible, but a large proportion is actually exempted from all liability to the payment of debt, the occasion for it is accordingly prodigious. Whether property be exempted from attachment by the fraud of the law or the fraud of the debtor, the result is the same to the creditor, and there is an equal necessity for an agent of coercion, whether the debtor possess *concealed* or only *exempted* property. As applicable to the relationship of debtor and creditor, however, such an agent has no existence, it being shown that the present system of imprisonment is *not* the requisite process. In the attachments for contempt of the Court of Chancery issuing, among other objects, upon the refusal or neglect of a party to put in his answer to a bill of discovery, there is a recognition of the principle even in English law; and if our readers put any faith in the argument of authority, we can inform them that the Code Napoleon* has also adopted it in its provisions for constraining public officers, for production of their minutes, and notaries, advocates and officers of the law, for restitution of the title deeds, and papers of their clients.

As an agent of coercion, however, an indiscriminate system of imprisonment is founded upon a fallacy which Mr. Burke long ago pronounced to be one of the two capital mistakes of the law on this subject, namely, the presumption of solvency. It is true, that there are to be found in certain suburbs of our prisons, known by the name of "The Rules" nay, in the very prisons themselves, numerous individuals who having set their creditors at defiance, are revelling in every species of luxury and dissipation; but it must be remembered, that these instances bear no proportion to the scenes of abject poverty, destitution, and wretchedness, which are the characteristic of our jails. It is not for dungeons that men voluntarily forsake all the comforts

* Liv. III. Tit. XVI. Art. 2,059.

of domestic life. Rigid necessity alone, in *the majority* of instances, could drive them from the fire-side of home, to plunge them in the stone-floored rooms, the grated cells, and all the horrors of a jail. Yet it is a notorious fact, that the most wretched of these places are crammed with prisoners. No less than twelve thousand and ninety-seven are shown by the parliamentary returns, to have passed through the metropolitan prisons in the year 1826. The report of the select committee of the House of Commons, which sat in 1815, to inquire into the abuses of our debtors' prisons, stated in their report of the King's Bench prison, "that it was not uncommon to find six or eight persons of the poorer classes sleeping two in a bed, *or on the floor*, in rooms of the dimensions of sixteen feet by thirteen, some also of these sleep at the tap on benches and tables, and as many as forty-eight have slept there at one time:" and it appeared by the late discussions on the subject in the House of Commons, that much the same state of things still continued, not only in the King's Bench, but in the other metropolitan prisons. The disproportion of those who take advantage of the Insolvent Act, and those who remain in jail without making application for their discharge, is an additional corroboration of the fact. If the majority suffered themselves to be arrested, because they preferred the retention of their property to the payment of their debts, the majority would not seek in the cession of their property, means of discharge. In the utter insignificance of the amount of property which has been distributed under the operations of the Insolvent Act, an additional proof is supplied. We write from memory, but we apprehend, we are correct in representing Mr. Hume to have stated in his place in the House of Commons, that out of eight millions of property, of the liability to which debtors had thereby discharged themselves since the passing of the former act, not more than half a farthing in the pound had, upon an average, been realized to the creditors. "From the Parliamentary documents," says the author of the pamphlet on the Law of Arrest, the title of which we have placed at the head of our article, "it appears that the estates of insolvent debtors have realized to the creditors absolutely nothing, or as the reports state, nil." Thus after making allowances for the waste of law charges, the general expensiveness of the process, and the occasional fraudulent concealment by the debtor of his property, there will still be left an adequate presumption of an actual deficiency to a prodigious amount. In the *smaller* proportion of instances then, men have the ability for payment; in the *larger* proportion, they are without it. But arrest, except as an agent for com-

pelling payment, is an idle waste of suffering. To arrest, therefore, is to torture the majority for no object. It is to punish the *larger* proportion, because the *smaller* require to be coerced.

But in every case in which the debtor is destitute of property, on which imprisonment can operate as a forcing against the very act of confinement, instead of coercing him into payment, has a much greater chance of coercing him into non-payment. Under the laws of Athens, previous to the legislation of Solon, and the ancient laws of Rome, debtors were forced to labour for the benefit of their creditors. And by the Gentoo Code, all those who have the misfortune to be of the tribe of Arzal are, in like manner, compellable "to work out payment by bodily labour." Were insolvent debtors in England, obliged like them to work for their creditors, there might be a greater semblance of reason in their imprisonment. Such, however, is not the present system of imprisonment, and, indeed, debtors, when thrust into jails, instead of being a source of profit to their creditors, are much oftener an occasion of expense. To be sure, as far as the creditor himself is concerned, he has an undoubted right to prefer loss to gain; but then there may be, and generally are, other creditors who may be prejudiced by this indulgence of his caprice. If a man have several creditors, and his means of paying the whole depend upon his personal exertions, to permit to one of them the power of depriving him of the means of making these exertions, is to allow to one the power of defeating the rights of the rest. Yet this power may be exercised, not only without their knowledge, but in direct opposition to their inclinations. We often hear of the evil of a man's being a judge in his own cause; the mischief is infinitely greater when he usurps the privilege of judgment over the cause of others. The frequent result is, to drive the debtor to avail himself of the relief provided by the Insolvent Act, and debts accordingly become legally cancelled, which if left to himself, the debtor might never even have dreamed of evading.

The other occasion for imprisonment as an agent of coercion to which we have alluded, is the desire to possess a forcing power upon friends. But to imprison a debtor as a means to extract payment from his friends, is, in plain terms, to inflict torture on one, that another, constrained either by compassion for the sufferings which that torture occasions, or by dislike to the stigma, which from circumstances of family or other relationship it reflects upon himself, may be deprived of his own property to pay debts, the contraction of which not only yielded

him no advantage, but perhaps he may have been even zealous to prevent. The obvious result is, that in the exact ratio in which every individual of property in the country is open to the operation of either these two constraining causes, he is liable to the forcible abstraction of his property by every *connivance* between the party who is capable of exposing him to their operation, and the capitalist who will extend to that party his credit. We believe the extent of this mischief can be appreciated only in the experience. We will put an hypothetical case in exemplification, which we believe to occur almost daily in actual life. The parent of a family having adjusted his allowances to his sons according to the circumstances of his property, one of them, upon the general reputation of his parent's resources, obtains credit to double and treble the amount of his allowance, only to enable him to run into every species of extravagance. The son having no other means than his allowance, is necessarily unable to meet his engagements. His creditor threatens arrest, and the parent is compelled, either to reduce his own expenditure, or the allowances of his other children—or perhaps, to postpone the payment of even his own creditors—because another chose, of his own accord, to intrust his son with his property. It is true, that creditors may not always be cognizant of the circumstances of their debtors; but, in withholding their credit, or proportioning their profits to its risk, they have an ample power of guarding against the effects of their ignorance; and if, in their greediness for custom, they choose to overstep the limits of prudence, or to rush into hazardous enterprises, it is the height of injustice to tax innocent parties for the failure of their speculations. "It seldom happens," says Dr. Johnson, in an excellent paper in the Idler on this subject, "that any man imprisons another but for debts which he suffered to be contracted, in hope of advantage to himself; and for bargains, in which he proportioned his profit to his own opinion of the hazard."

Of the debasing effect on the individual of this arbitrary subjection to the caprice of another; of the demoralization of the scenes into which it forces him, we might say much. Degraded by the very act of imprisonment, reduced in their station in society, men grow callous to those considerations of character and self-respect to which, under better circumstances, they would be keenly sensitive, and in riot, drunkenness, and debauchery, attempt to stifle the recollection of their miseries. The Deputy Warden of the Fleet prison, in his examination before the Parliamentary Committee, pronounced it the largest brothel in London; and the scenes of vice which are constantly

exhibiting in the other metropolitan prisons, are much too notorious to require the proof which on the agitation of the question they lately received in parliament. But, not to dwell on this disgusting topic, the arguments we have adduced are sufficient for our conviction, that imprisonment is a *waste of suffering;* that it is not demanded by the legitimate interests of the creditor; and therefore we urge its abolition. Such uncompromising advocates, however, are we for the security of property, that for this end were the necessity of any measure whatsoever only sufficiently demonstrated, we do not know that we should not concede it, even to "the pound of flesh."

In proposing, then (excepting in the emergencies for which we have provided), the entire abolition of imprisonment for debt, we would invest the creditor with the most complete power over the property of his debtor; and this, whether in his own possession, or resting either in the custody or the obligation of third parties. Under the English law the latter species of property is not liable to seisure. Most other systems of Jurisprudence contain provisions for embracing it. By the Civil Law the remedy of the creditor was extended to all debts owing to the debtor [*Huber*, ii. 8, 9]. The Scotch law, borrowing the provisions of the civil in its "Arrestments in security and in execution," in like manner contains a process for attaching the personal property of the debtor in the hands of third persons; and in the Code de Procédure Civile, 1me partie, liv. v. tit. 7. is the declaration, "Tout créancier peut en vertu de titres authentiques ou privés, saisir arrêter entre les mains d'un tiers les sommes et effets appartenant à son débiteur, ou s'opposer à leur remise." Indeed, by the process of what is called foreign attachment, there are certain local courts in England, by which the same result is accomplished, and the Lord Mayor's court in London is among the number.

But it is not within the scope of this article to set forth all the detail of improvement which is requisite to rescue the English law of Debtor and Creditor from a state, in which men find the loss of their debts a better alternative than the risk and the cost of recovery. "Do you find on the part of your clients," is asked, by the Committee of Inquiry on the state of Insolvent Debtors, of Mr. Stokes, the eminent solicitor, "any disinclination to prosecute debtors, under an apprehension that they will take advantage of this act?" *Answer*, "Yes, I think so; it is considered that if the debtor be an honest man, there is no necessity to sue him; and that, if he is a dishonest man, the expense will be useless, as he is almost certain to be discharged by the operation of this act, after having made away with his

property" [p. 50]. In the case of M'Naughton *v.* Carter, a bankrupt petition, which, having been originally filed in 1820, had subsequently gone before the Vice-chancellor and a court of law, came on for a hearing before the late Lord Chancellor on 6th February, 1827; no less an authority than his lordship observed, "It was seriously and unalterably his opinion, that in matters of bankruptcy *no delay* ought to be allowed, because in nine cases out of ten, he might say nineteen out of twenty, or even ninety-nine out of one hundred, it would be far better for the parties to give up their dividends than go through half a dozen courts of law and equity, the expense in the proceedings of which were incalculable!" The principle on which those improvements should be conducted, is summed up in one sentence, the combination of *perfect* liability in the property of the debtor, with the utmost possible facility in rendering that liability available. Yet we cannot help reminding our readers, that the latter can never be accomplished, until the *dies fasti et nefasti*—the dilatoriness, the protraction of English justice, shall be utterly destroyed. We would refer our readers to that admirable provision of the Roman law, in which, as we have seen, the trial followed on the *third* day after the institution of a suit.—We would point their attention to the principles of the Code Napoleon, by which the *day of summons* is constituted the *period of judgment*:—and we would recommend their adoption of the spirit in which Xenophon couched the recommendation of rewarding those prefects of commerce, who exercised their judicial functions with the greatest degree of expedition.

But in whatever judicial securities may be defective, we would call in the force of public opinion to supply the deficiency. If it be impossible to make the mere improvident contraction of debt a *crime* on the Statute-book, at least we would have it recorded a *vice* in the code of *morals*. Though we would extend our charity to the unfortunate, we would visit with the stigma of society the heartless profligate, who, under false appearances, and with specious pretences, deceives others into trusting him with property, for which he knows he has no adequate means of payment, and then, like the man whom Miss Edgworth describes, is driven to spend his days "either in DREADING or DAMNING duns." For an Antonio we have all possible sympathy; for a Charles Surface (a being who, for aught that we could ever discover, has no other merit than that to his other crimes he does not add the vice of hypocrisy), we have no other feeling than disgust. The Genevese, by express law, excluded from the magistracy, and even from the

offices of state, the children of those who had lived or died insolvent, unless they chose to discharge the debts of their parents. Against the introduction of such a law into this country, aristocratical influence is a sufficient security; and for ourselves, we confess that we should prefer in such cases the enactments of opinion to those of the Statute-book. Perhaps next to a certain gentleman in black, there are few individuals to whom Englishmen have a greater antipathy than Mahomet. Yet the last act of Mahomet's life was the payment of his debts. The evening before his death, having risen from his bed, and caused himself to be carried in the arms of his friend Ali to the Mosque, Mahomet mounted the tribunal, prayed, and uttered these words, "Mussulmans, I am about to die; let no man any longer fear me. If I have struck any one among you, behold my back, let him strike me: if I have taken from any man his property, behold my purse; let him pay himself: I deliver myself up to your justice." The people burst into tears. One man stepped from the crowd, and claimed of him three drachmas, and Mahomet, in paying him added interest on the debt.*

We have thus presented our readers with our opinions on the subject of imprisonment for debt: we leave them to form their own judgment on the sufficiency of our arguments. But lest, after all, we should have failed in any thing, we do not know in conclusion that we could better supply the deficiency, than in addressing them in the forcible language which nearly two centuries ago the merchant Malynes advanced on the subject:—"It is also objected, that if men's bodies be not imprisoned, how shall they recover their debts? *Answer.* Upon the debtor's estate only, as this kingdom did heretofore, and other kingdoms do now, and therefore let the creditor ground his trust thereupon, and trust no further than the creditor's estate, for thence only can he have true satisfaction. It is replied, that there will be no more credit given, if men's bodies may not be imprisoned, and consequently trade and commerce will decay. *Answer.* Honest trade, honest contracts, and honest trust, will notwithstanding be as plentiful, for while there is the same use, necessity, and *profit* by commerce, there must needs be the same effect. True it is, that usurious contracts will be more relatively made to every man's estate, credit, and honesty, as they did in times of the old law of the Gospel, and yet do in politic governments.

"It is against the creditor's own profit, for all means of

* "Précis Historique sur les Maures d'Espagne, par Florian."

satisfaction must arise out of the debtor's credit, out of his labour and industry, out of the will of his friends, or out of his own estate."

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ART. IV.—*Life of Theobald Wolfe Tone, Founder of the United Irish Society, &c. written by himself, and continued by his Son; with his Political Writings, and Fragments of his Diary, whilst Agent to the General and Sub-Committee of the Catholics of Ireland, and Secretary to the Delegation who presented their Petition to his Majesty George III. His Mission to France: with a Complete Diary of his Negotiations to procure the aid of the French and Batavian Republics, for the Liberation of Ireland; of the Expeditions of Bantry Bay, the Texel, and of that wherein he fell. Narrative of his Trial, Defence before the Court Martial, and Death.* Edited by his Son, William Theobald Tone. 2 vols. 8vo. Washington.

THE celebrated Irishman, whose autobiography we have placed at the head of our article, was a member of a very large class; but a class which has hitherto furnished few memorialists who could assist us in investigating its peculiarities. We have had innumerable royal, aristocratical, and professional, and one or two philosophical, biographers; but the biography of a man who was, emphatically, one of the people—neither separated from them by the prejudices of birth, nor by the habits of a profession, nor by extraordinary abilities, is, strange as it may appear, an absolute novelty. It is not difficult to imagine what kind of information we should seek, and may expect to find, in such a work. We want to know, what a man thus cut off from individual interests felt to be his class-interests—we want to know, whether the grievances, which he felt most severely, were the grievances which we have been taught by persons who did not feel them, to consider did most affect him—lastly, we want to know, whether the course which he adopted for the removal of these grievances was more or less intelligible than that which was proposed by those who, viewing them from a convenient and comfortable distance, fancied that they had necessarily the best opportunity of ascertaining their causes and providing for their cure. If this narrative supply us with an answer to these questions, its value as an historical document is scarcely worth considering. We will allow that their author was a partial, an interested spectator, of the events which he describes; that his statements are not to be believed, unless when they are borne out by abundance of other testimony; that he could not, and that he does not, always pre-

sent the things and the men with whom he was conversant, in a correct point of view. We admit all this, and yet we say, his Memoirs are highly valuable, and more valuable for the very reasons which should make us cautious of placing unlimited faith in them. For we think the impression left upon the mind of every impartial person by the perusal of Wolfe Tone's Biography must be this, that without possessing any enlarged political philosophy, he did, simply because he was one of the people, and partook of their evils, and had his wits sharpened to find out the causes of these evils by the interest he felt in relieving them, arrive at more sound, rational, and consistent conclusions about the state of his country, and the remedies which it required, than the whole body of Irish declaimers with all their genius and all their knowledge: that in following out these conclusions into practice he did, because he had a real interest in succeeding, without friends, without party distinction, with only respectable talents, accomplish more than they accomplished with all the mighty auxiliaries they had at command: and that all the errors he committed arose, not from his pursuing extravagant or unattainable objects, but from his not calculating with sufficient accuracy what would be the most sure and straight forward means of bringing his wishes to pass. That individuals for the most part have sufficient sense to pursue their own interests; that they will pursue them to better purpose than any other persons can pursue them on their behalf; and that men with the best ends in view will go wrong, if they do not bestow sufficient consideration on the means which they adopt to effect them, are doctrines which we have had occasion to illustrate in a variety of ways. It remains to be seen, whether men who have given no heed to these truths when laid down as general propositions, will be convinced when they see them embodied in their own favourite form of a particular narrative.

Theobald Wolfe Tone was the son of a coach-maker. We mention this, partly because it is of some consequence, as identifying him directly with the people, and partly because one of our contemporaries has made this point in his history the subject of some very contemptuous remarks. We do not deny that there are men against whom even such a sneer might have been permitted. Men who have clambered up to some paltry eminence by clinging to the skirt of an aristocratical patron, and who take advantage of their exalted situation, to throw dirt upon all who remain on their former level, or have risen from it by worthier means than their own; are deserving of all the contempt which the Quarterly Review can bestow upon them. We would even lend our assistance towards keeping

*such parvenus* in mind of their origin, though we should be driven to so low an expedient only by the conviction that there is but one circumstance in their lives, which such men would feel as disgraceful to them, viz. the only one which is not so really. But Tone, whatever may have been his faults, cannot be accused of having exhibited any thing like cringing in his professions or his conduct. On the contrary, his life was a series of reckless and most annoying hostilities against Aristocracy in all its branches.

During his childhood his father, who had previously been opulent, was reduced to poverty by the unfavourable termination of a Chancery suit, and the prospects of Theobald became correspondingly gloomy. In spite of this circumstance, however, he was sent to Trinity College, Dublin, where he obtained a considerable reputation for talent among his contemporaries, though he was not, it appears, very successful in his contests for University honours. The idleness into which his cleverness and indifference to College distinctions led him, was productive of two serious evils. A taste for the military life, which he had acquired at school, was nourished into a passion by his visits to the Phœnix Park on review days, and he fell in love with a young lady who was quite as susceptible, and almost as poor as himself. The predilection for the army so much increased his distaste for University reading, that he absented himself for several terms from Dublin, and he had scarcely returned, before his still more unfortunate fondness for Miss Witherington drove him into a runaway marriage. After a short interval a reconciliation took place with the parents of both parties, upon the understanding that Tone was to prosecute the study of the law, the profession for which he had been originally designed, but which he had at one time determined to abandon. In this pursuit he made no proficiency, and he informs us, with characteristic candour and good humour, that when he went his first circuit, he was the most ignorant man (on all professional subjects) at the bar. His ill success, added to a dislike of his legal brethren—whom he considered "to be, politically speaking, the most scandalously corrupt and unprincipled body he had ever met with," induced him to desert the courts entirely. As in the mean time his family had been increased, it may be imagined that his situation, when thus deprived of his only support, was far from a comfortable one. He was aware that he had himself, in some measure to thank for his misfortunes; and what was less gratifying—he felt that he was not the only sufferer by them. His elasticity of mind sustained him under these difficulties; and the spirit with which, at this period of

his life, he commenced the study of his country's politics, proves that the energies of his character had not been destroyed or weakened by them. Some of our readers may, perhaps, think that we have been very foolishly honest in presenting them with this epitome of Tone's early life; for how can we venture to found any grave conclusions upon the history of an ambitious and disappointed young man, who, we have made it appear, only commenced political adventurer, when his imprudence had shut him out from any other chance of advancement? And if the question, whether the circumstances of Ireland were such as needed alteration, were one about which great doubts had been entertained by reasonable men, we might pause before we admitted the testimony of one so likely to consider the prospects of his countrymen as wrapped in the gloom which really only enveloped his own. But, as we never yet heard of that period of Irish history, in which any difference of circumstances (except the possession or absence of ordinary sanity), occasioned any difference in men's minds upon *this* point, we imagine that Tone's having arrived at the same conclusion respecting it with every one of his contemporaries, does not prove him an incompetent authority. The only remaining question, therefore, is, whether a person who believed (rightly or wrongly) that the evils which all allow to have existed were personally mischievous to him, was likely, on account of that belief, to have searched less zealously or effectually for their causes and their remedy. To this question, we think, the conclusions to which Tone's studies led him, furnish a tolerably satisfactory answer.

Towards the end of the last century a body of men, still most advantageously distinguished from the rest of their countrymen, by intelligence and liberality, were able to exert a most powerful and useful influence over the destinies of Ireland. These were the Dissenters of the North,*—a body of men who from not being subjected to many of those petty vexations which destroy public spirit, were most advantageously distinguished from the English non-conformists, and still more so from both of the opposing parties in their own country. They were as much superior to the Church, or ruling party, in liberal opinions and commercial activity, as to the Catholic or slave party in knowledge and magnanimity. Though insignificant in point of numbers, as compared with the latter, and trifling in point of possessions, as compared with the former, they possessed a power which was not seldom able to dispense with the assist-

* We speak of the Laity.

ance of the one, and to withstand the opposition of the other. On several occasions they exerted this power with great benefit to their country; but on none did they make so signal a display of it as in the celebrated volunteer declaration in 1782. The credit of this memorable proceeding belongs exclusively to the Presbyterians of Belfast; a circumstance so notorious, that it would be idle to mention it, if certain writers upon Irish affairs, who have exhibited great admiration for men whose only merit was that they belonged to old Milesian families, had not studiously passed over, as unworthy of their notice, the authors of the most sublime event in Irish history. In the celebrated declaration of grievances, to which the previous precaution of not disbanding had added such a useful weight, the volunteers stated a removal of the shackles upon trade, parliamentary reform, and an abolition of the Catholic disabilities, as the measures of relief, which their strength gave them a right to demand from the government. It was, unfortunately, only the first of these concessions, accompanied by the repeal of Poining's Act, which they were able to extort. An event, which suggests a lesson sufficiently useful to compensate for any less mischief than that which it occasioned, enabled the Irish government to defeat their reasonable hopes. We allude to the celebrated address of lord Kilmare and the leading members of the Catholic aristocracy, which set forth that they utterly disapproved the conduct of the volunteers, and had no wish to see their evils mitigated through such instrumentality. This polite declaration was not very palatable to the plebeian part of the Catholic body, who published a counter address, stating their dissent from lord Kilmare, and giving some reasons which induced them to think, that both as religionists and citizens, their situation might be considerably improved. The volunteers, fearful of risking the other more important measures for which they prayed, by insisting upon a concession which, the government had lord Kilmare's authority for stating, was not required by the Catholics themselves, desisted from any further applications against the penal code. This imprudent cautiousness ruined them. The government had discovered from the second memorial, what were the real sentiments of the Catholic body, and their agents lost no time in representing the conduct of the volunteers to the people in the most disadvantageous light. It was not difficult to persuade the Catholics that the Belfast Presbyterians had been led to desert them by their sectarian prejudices; these useful men lost their popularity, and with it all their influence over the legislature.

The defence of the cause of Ireland (we are sorry to use so

vague a phrase, but our readers will presently see why a more precise one would be inapplicable) now fell entirely into the hands of the Whigs in the Irish House of Commons. Of some of the men who composed this body, it is impossible to speak without respect. They were, in many points, very favourably distinguished from the English party which bore the same name, and used the same watchwords. They did not deal so much in unmeaning generalities; their opposition was less exclusively directed against the person of the minister, and they had much more sympathy with the feelings and sufferings of the people. Grattan, and still more Curran, entertained very kindly sentiments towards the lower orders—never treated them with the indifference of comfortable men, or the contempt of patronizing men. Any one who has compared the speeches of the leading Irish orators with those of Fox and Sheridan, must have observed the difference; and any one who has observed it with proper feelings must confess, that after all due allowance for the superior taste and gracefulness of the latter, the balance of interest derived from their perusal, remained greatly on the other side. But though the Irish had reason to be grateful to their patriots for whatever benefits sincere and eloquent expressions of good-will could procure them, there was one essential requisite wanting in these men. They felt *for* the people, but not *with* them. They pitied, but they did not share in the miseries which afflicted their country. They had no motive, consequently, sufficiently strong to induce them to undergo real toil in its service. To examine into the real nature of the evils, a superficial view of which presented such excellent topics for eloquence and exaggeration—to ascertain which of these evils it was most important to remove, as being greater in itself, or the cause of all the rest—to discriminate between the apparent and the true causes to which they were to be ascribed—this was no part of their vocation. If they had no other sinister interest to pervert their notions of the condition of Ireland, they had one which was most powerful and mischievous—the sinister interest of declaimers—the interest of looking at questions from that point which afforded not the clearest, but the most picturesque view of them—the interest of not studying the subjects on which they spoke too closely, lest their eloquence should be deprived of its force by too many qualifications and refinements—the interest of not finding out the hidden causes of the evils which they denounced, lest they should discover that systems, and not individuals (the appropriate subjects of oratorical chastisement), were really guilty of producing them. It would be more unjust to these celebrated men, than to the

cause for which they partially exerted themselves, not to take account of these circumstances; for, if we did not, the disproportion between the results of their eloquence and its merits must be attributed to causes far less honourable to them. It is more agreeable for their sake to believe that their oratorical talents and vanity made them so comparatively useless, than to suppose that their zeal for the people was assumed merely for party purposes, and was never intended to accomplish more than it actually accomplished. But it is doubtful whether it would not have been more for the advantage of Ireland, if their temptations had been of a different kind. If they had been merely party men, anxious to gain a reputation for patriotism without affronting the governing classes, they might, even upon these terms, have done great good. They might have found many laws in the Irish Statute-book, passed through sheer ignorance, which materially injured the lower classes, without at all benefitting the higher. They might have earned much deserved fame, and produced very salutary reforms at little expense; as the government itself would probably have assisted them in destroying other monopolies, for the sake of preserving its own. But, unfortunately, their declamatory propensities made them indifferent to these methods of obtaining popularity. At once rendering them unfit for the study of general principles, and averse from the drudgery of practical details; this mischievous talent induced them to take up all received notions and vulgar axioms concerning the causes of a nation's prosperity. And since the success which never attended them when they were exerting themselves usefully, crowned all their mischievous labours, Ireland owes some of its worst nuisances to their ill-directed patriotism. "In vain (says a writer in a work which on such a point is the best possible evidence) did one or two members urge" (in opposition to the commercial expedients proposed by the Whigs and adopted by the Irish parliament) "that though the bounty system might be apparently beneficial for a few years, it could not be otherwise than injurious in the end. Their feeble; and as it was considered, anti-national, opposition, was drowned amid general acclamations, and measures which have done irreparable mischief to Ireland, were hailed with the enthusiastic plaudits of her choicest patriots."*

A conviction that the Whigs were not likely to effect any very great or salutary reforms, was one of the early results of Tone's examination into Irish politics. He commenced his inquiry with every prejudice in their favour, and it was not till

* Edinburgh Review, No. LXXXII. p. 389. Art. Ireland.

he had discovered that they were doing almost nothing, with great labour; that an harangue in which heaven and earth were invoked to witness the expiring agonies of Ireland, generally terminated with a motion for the production of a paper; that the concessions which they wrung from the government were always inconsiderable, and the concessions by which they purchased them often important; that if a slight relaxation of the penal code was obtained one day, his majesty's Irish opposition had the good breeding to support a militia bill or an insurrection act the next—not till he had observed all this, did he determine that it was a vain thing to expect the emancipation of Ireland from such defenders. Other agents, then, must be sought for; but supposing they could be found, what were the objects to which their attention should be principally directed? A study of the Whig addresses and motions in the House of Commons convinced him it was useless to seek light from that quarter. There was nothing consistent, nothing profound, in any of the views which the patriots had formed upon the subjects which came before them; there was no attempt to penetrate below the surface, no wish to find out any but the most obvious and secondary causes of the mischiefs which they declaimed against. Yet the true radical causes of these mischiefs seemed to Tone not very remote or inscrutable. The want of a legislature which should express the feelings of the people—the want of an executive which should be influenced by the opinion of the people—were, he thought, the great obstacles to the improvement of his country's condition. It followed as a consequence, that parliamentary reform, and the removal of the English authority, were the remedies which it became Irishmen to seek. So far his notions appear sufficiently rational; and—if we can divest ourselves of the idea that it must necessarily be for the happiness of every country to bear our mild yoke—sufficiently patriotic. But who were to effect these magnificent objects, and by what means were they to be prosecuted? The agents, Tone thought, ought to be the party most interested in their success, the people themselves. The method in which he meant to excite the people to their accomplishment, we will describe in his own words.

'To subvert the tyranny of our execrable government, to break the connexion of England (the never-failing source of all our political evils), and to assert the independence of my country—these were my objects. To unite the whole people of Ireland; to abolish the memory of all past dissensions, and to substitute the common name of Irishman in place of the denominations Protestant, Catholic, and

Dissenter—these were my means. To effectuate such great objects, I reviewed the three principal sects. The Protestants I despaired of from the outset, for obvious reasons: already in possession, by an unjust monopoly, of the whole power and patronage of the country, it was not to be supposed they would ever concur in measures the certain tendency of which must be, to lessen their influence as a party, how much soever the nation might gain. To the Catholics I thought it unnecessary to address myself, because that, as no change would make their political situation worse, I reckoned upon their support to a certainty; besides they had already begun to manifest a strong sense of their wrongs and oppressions; and, finally, I well knew that however it might be disguised or suppressed, there existed in the breast of every Irish Catholic an inextirpable abhorrence of the English name and power. There remained only Dissenters, whom I knew to be patriotic and enlightened, however the recent events at Belfast had shown me that all prejudice was not removed from their minds. I sat down accordingly, and wrote a pamphlet addressed to the Dissenters, which I entitled "An Argument on behalf of the Catholics of Ireland," the object of which was, to convince them that they and the Catholics had but one common interest and one common enemy; that the depression and slavery of Ireland was produced and perpetuated by the divisions existing between them, and that, consequently, to assert the independence of their country and their own individual liberties, it was necessary to forget all former feuds, to consolidate the entire strength of the whole nation, and to form for the future but one people.'—Vol. v. p. 64.

The consequence of this pamphlet, and of Tone's other exertions, was the establishment of the Society of United Irishmen. If the proceedings of this Society in later times have been disgraced by much foolish and useless violence, its conduct, for some years after its institution, was as much guided by wisdom as by honesty; and while this spirit animated its counsels, it could challenge any society which ever existed in any country to give equal evidence of the good it was capable of effecting. The enthusiasm which animated the Dissenters of the North infused itself into the inert Catholic mass, with which it was now for the first time made to cohere. The Presbyterians, were in their turn, benefited by the diminution of religious prejudices, which was the consequence of their being engaged with men of a different communion, in the prosecution of a common object. The latter willingly acknowledged that a scheme of Catholic Emancipation was one of the measures which it behoved them to assist in accomplishing; the former were constrained to confess that it was vain to hope, and almost useless to obtain, a removal of their disabilities, unless their prayers for that boon were accompanied by a demand for other and more important concessions. And what was still better,

both parties felt that it was only by their own exertions, and by persuading the people at large that they were pursuing the common interest, they could hope to achieve even the least of their designs. The excitement which was produced throughout Ireland, and especially in Ulster, where it was most likely to be well directed, by the public addresses and manifestos of the society, and by the conversations of individuals in their respective districts, soon proved that its founders had not over-estimated the importance of the engine which they set at work. They found a still stronger proof of their utility in the fears with which they inspired their enemies. The United Irishmen were denounced from the Treasury Bench, and disclaimed by the Opposition. They had the pain of hearing themselves sometimes damned with faint praises, sometimes loudly censured by the adored Grattan, and the pleasure of finding themselves exalted into popularity by the foul-mouthed denunciations of the execrated Fitzgibbon. It was clear that they had made themselves sufficiently important to be feared by both parties in the House of Commons, by the Whigs whom they had supplanted in public esteem, and by the English party whom they threatened to deprive of what they valued much more. And it was equally clear, in spite of the detestation which these two opposing factions united in expressing for them, that the objects which the friends of the people had in view were much better promoted by these very factions than they had been at any former period. The patriots were infinitely more active, the ministers infinitely more prone to concession, than they had been before the existence of the body which they nevertheless assured the people was a serious hindrance in the prosecution of practicable reforms! We must not omit to mention, that one of the Whig-party—who affected extraordinary contempt for the United Irish Society—did not think it beneath his dignity to take an opportunity of personally injuring its founder. This was Mr. George Ponsonby, who, in place of the distinguishing faults of the Irish patriots, seems to have cultivated that aristocratical hauteur and heartlessness, which characterized the English party of which he was subsequently a leader.

Though Tone acknowledges, with evident mortification, that very shortly after the formation of the society, he lost all influence in its counsels, he pays eloquent homage to the utility of their exertions. Of those exertions one of the happiest consequences was the impulse which they gave to the labours of the general committee of the Catholics. This body "was composed of their bishops, their country gentlemen, and of a certain num-

ber of merchants and traders in the City of Dublin, all resident in Dublin, but named by the Catholics in the different corporate towns to represent them."

An assembly with so large a leaven of aristocracy in its composition was not likely to be very active in the pursuit of popular objects, and a more trivial and slavish body than this had seldom been collected in any country. Entirely useless to the Catholics, they were very serviceable to the government, whom they furnished with a constant argument of the "practical" unimportance of the sufferings which they endured with so much edifying patience. On one solitary occasion—the publication of lord Kilmare's memorial—they had shewn a spark of public spirit, and from them had emanated the important contradiction of his lordship's declaration which we have already noticed. The enthusiasm inspired by the volunteer corps had stimulated them to this unusual effort; and the enthusiasm inspired by the United Irish Society roused them from the lethargy which succeeded it. At this time,

'The downfal of feudal tyranny began to be acted a little, on the theatre of the general committee. The influence of their clergy and of their barons was gradually undermined, and the third estate, the commercial interest, rising in wealth and power, was preparing to throw off the yoke in the imposing or perpetuating of which the leaders of the body, I mean the prelates and aristocracy, to their disgrace be it spoken, were ready to concur. Already had those leaders acting in obedience to the orders of the government which held them in fetters, suffered one or two signal defeats in the committee, owing principally to the talents and address of John Keogh; the parties began now to be defined, and a sturdy democracy of new men, with bolder views and stronger talents, soon superseded the timid counsels and slavish measures of the ancient aristocracy.'—Vol. i. p.

The consequence of these "new men" acquiring a principal share in the Catholic counsels was soon evident. Instead of waiting for the Whigs to urge their claims in the House of Commons, at what seemed to them the most convenient season for that purpose, they began to take the affair into their own hands. They wrote, remonstrated, and declaimed, and, at length, feeling their confidence increasing with their power, they organized a scheme of self-reform, by means of which the aristocratical influence was extinguished, and the whole Catholic body became fairly represented in their assembly.

The person who first filled the office of manifestor (writer general to the committee after its renovation) was Mr. Richard Burke, son of the celebrated statesman. This young man had performed his duties zealously, but with great intemperance; and the cause was thought to have been much prejudiced by

his assistance. He was, therefore, civilly dismissed, and by a general vote of the committee, Tone was elected his successor. One of the first duties which devolved upon him in consequence of this appointment was that of drawing up a comprehensive declaration of Catholic grievances. This task he executed to the entire satisfaction of his employers, and every one, we think, who has read the memorial, will allow that it deserved the praises which were bestowed upon it. Indeed, from the specimens of his official compositions which are preserved in these volumes, it is impossible not to form a high idea of his qualifications for the situation he filled under the general committee. They are drawn up in a clear, manly, unaffected style, and are free from those ambitious ornaments which generally disfigure the state papers of Irishmen. This petition, in which the simply Catholic grievances were of course put forward most prominently, but in which the evils arising from an unequal representation were forcibly alluded to, it was determined not to present in the ordinary manner, through the intervention of the lord lieutenant, but by a deputation to St. James's. The wisdom of this bold measure was confirmed by the result. Mr. Pitt, who understood the indications of popular feeling much better than the secretaries and attornies-general on whom he had been obliged to depend for his information, instantly perceived that the Catholics were a much more powerful and determined body than they had ever been in past times, and he resolved upon concession. The next session of the Irish parliament produced a bill for the complete abolition of the penal code, and the removal of the Catholic disabilities generally. This bill called forth all the wrath of the English party. The exertions of their champion lord Clare, though unsuccessful in defeating it, greatly modified its utility. During its passage through the House, it was stripped of some of its best provisions, and, in the end, the Catholics were placed nearly in the situation in which they now stand. The circumstance of an exception being made in this bill *against* the aristocracy, seems at first sight perfectly unaccountable, and in a long speculation upon the subject, Tone seems quite at a loss to understand the anomaly. But when it is remembered that the bill was extorted from the fears of the government, that it had everything to apprehend from the people, and was quite safe in the devotion of the aristocracy; that the higher classes of Protestants, whose religious prejudices were brought into more frequent collision with the Catholics of their own rank, would take a particular delight in humbling them; lastly, that it was convenient to have an earnest of the obedience of the only part of the Catholic

community which would endure delay, by leaving them something to hope for; the paradox seems to admit of an easy solution.

So far the Catholic committee had been wonderfully successful. But the hour of their triumph was likewise the hour of their humiliation. The Irish minister who was commissioned to strike as good a bargain for his master as possible, required a declaration from the Catholic representatives previous to the passing of their bill, that their constituents would be satisfied with the proposed relief. Such a declaration was, of course, equivalent to an acknowledgment, that the labours of the united Irishmen for parliamentary reform, and the removal of the English yoke, were not deemed important by the Catholic body. Yet, in defiance of the arguments of the better members of the assembly, it was finally determined to accede to the minister's terms; the required declaration was made, and parliament no longer fearing a body which had pledged itself to ask for nothing more, followed up their late concessions by an Insurrection act. From this time, the hopes of the friends of Ireland seem to have become almost desperate; and we may date from it, that dreadful series of useless insurrections and barbarous retaliations which at length, during the vice-royalty of lord Camden, produced events to which there is scarcely a parallel in any history.

That the despondency which these honest men felt, was a natural and very excusable result of the high hopes they had indulged, and of their cruel desertion by the more numerous and efficient party in Ireland, we are willing to allow. Yet it was no meagre or insignificant triumph which had already rewarded their toils. The abolition of the whole penal code—to obtain only a partial repeal of which the Whigs had been exerting themselves for so many years, for which they had talked, pleaded, declaimed, and conceded, in vain, had been effected almost instantaneously by the simple policy of Tone and his associates, in not trusting to their own arguments or eloquence to persuade the legislature, but in stimulating the people to use those far more eloquent methods of persuasion, which derive their force, not from the talent, but from the number of the speakers. To say that such signal success should have induced them to persevere in the course which had led to it; that the Society of United Irishmen might still have exerted a powerful influence over the people, by the same manifestoes and addresses which had already been so useful; that the dissentient members of the general committee should have seceded from that body; have disclaimed the acts of the majority, and have denied that

they represented the sentiments of the Catholics generally; all this is very easy and very obvious, and yet it is exceedingly doubtful whether, under similar circumstances, men much more sage than those of whom we are writing, would not have felt disheartened like them, and like them have listened in the hour of disappointment to suggestions from without.

From the remarks upon the state of public opinion in Ireland, during the period we have briefly run over, which are scattered through Tone's Memoir, it appears that he attributed a great modification of that opinion to the excitement produced by the French Revolution. He describes the very opposite feelings by which he imagines the English and Irish public (meaning thereby, the lower orders) were affected, when they heard of the downfal of aristocratical domination in France. The one, he thinks, stimulated by that ancient animosity which a great patriot orator declared to be grounded in the necessity of things, grudged the possession of so much happiness to Frenchmen, eagerly received the news of any disaster which threatened to interrupt it, and willingly acquiescing in the determination of their rulers, submitted to endure all the evils and miseries of a war, for the sake of inflicting those evils and miseries upon their regenerated rivals. The Irish, on the contrary, having no such hereditary anti-gallican prejudices, sympathised, he thinks, in the triumphs of the oppressed people whose condition so much resembled their own, saw with rejoicing, that free opinions made their way in defiance of every obstacle, and considered their blessings cheaply purchased by the sacrifice of those who would for ever have denied them. If we wanted to shew how necessary it is that the testimony of those "eye-witnesses" whose statements some honest people would believe in the gross, should be sifted with at least as much care as the statements of any other persons whatever; this account of the state of public feeling in the two countries, by a man with very respectable opportunities for judging, would furnish us with the proof. It is scarcely necessary to remark, that the people of England did *not* feel any of that horror which this ingenious writer supposes they must have felt at the prospect of their rivals acquiring a good government—that, on the contrary, the middling classes watched the progress of the Revolution with the most friendly interest, and the lower classes with perfect indifference; till those who had much more solid reasons for hating reform than for hating France, exerted that influence over the minds of their countrymen, which men with legions generally possess, to turn their feelings into the same channel as their own. The assertion, that the Irish people generally took a deep

interest in the Revolution, though not contradicted by such a weight of testimony, bears, we think, equal marks of exaggeration and absurdity. To suppose that the lower orders of the Irish could have found any leisure from the contemplation of their own sufferings, to take a survey of the great events which were transacting in Europe, and to sympathise with the spread of opinions, in whose practical benefits they were unable to partake, seems to us all but an impossible supposition. As usual, the description which the writer gives of other people's feelings, takes its colours from his own, and that which as a record of facts is most erroneous, as a means of enabling us to detect the sentiments which were uppermost in the narrator's mind, is most valuable. Tone himself, and the more enlightened of his friends, evidently did feel what he imagines his countrymen in general felt; they watched the development of the great plot with the most intense interest, they shared in all the feelings of the actors, easily persuaded themselves that every new event was the type of some one which was to happen among themselves; and besides great encouragement, gathered from the broken promises and defeated manœuvres of the aristocratical party, much useful instruction as to the necessity of the people confiding simply and exclusively in themselves. Such feelings were natural, were what most honest men in similar circumstances would have shared in, and the only misfortune is, that the want of sound political philosophy in these Irish patriots led them to the hasty conclusion, that those who had achieved their own emancipation more completely than any nation had ever done before, must necessarily be useful auxiliaries to other nations engaged in the same good work.

It was about the time that the patriots were exasperated to the highest pitch, by the desertion of the General Committee, and the conduct of the Irish parliament consequent thereupon, that the emissary, Jackson, arrived in Ireland. The circumstances of this man's embassy—his extraordinary death—the trial of Hamilton Rowan—the wonderful defence made for him, and his more wonderful escape, after he had been convicted, are all well known to the English public, who are in general tolerably acquainted with those portions of Irish history which have any romantic interest to recommend them. In this ill-concerted conspiracy, if such it deserves to be called, Tone was rather accidentally than intentionally involved. Some of his more sanguine friends had entered into negotiations with Jackson; but Tone for some time felt convinced that he was a spy of the English Government. When he discovered that he had

been mistaken in this opinion, he imprudently entered into some general conversation with the emissary on the state of Ireland; and in Jackson's papers which, when he was arrested, fell into the hands of the government, this conversation was recorded. The ministry knew the importance of Tone too well not to avail themselves of the information thus obtained; but they likewise were too well aware of his popularity not to fear the consequences of making him a martyr upon such trivial evidence. This apprehension, the still greater fear of an acquittal, and the intervention of the Attorney-general, an old friend of the patriot, induced them to adopt a middle course, and they informed Tone that if he left England he would not be molested. As the terms upon which this indulgence was offered, did not involve any pledge respecting his subsequent conduct—a promise which it would have been ridiculous for the government to exact, as there was no security for its fulfilment—he wisely accepted the offer, and embarked for America.

There he did not long remain. Some interviews with the French ambassador convinced him that the French government had not abandoned their design of invading Ireland, and that his services might be useful as an agent for the disaffected at Paris. He determined therefore to leave his family, and to repair to the French capital, with a view of pressing the circumstances of Ireland upon the attention of the then newly-established Directory.

If it had been possible for Tone to continue in Ireland, it may be a question whether he would have been justified in taking this decisive step, or whether he would have wished to take it. Up to the moment of his quitting that country, he had retained his official situation under the General Committee; and though the unfortunate conduct of that body might have rendered his exertions in this capacity much less useful than they had been previously, he still could have exerted his talents very beneficially. His popularity was great, and his friends, though sometimes too rash to follow his counsels, evidently entertained an habitual respect for his character and his prudence. Under these circumstances he would probably have considered himself more usefully occupied in giving a direction to the feelings of the people at home, than in pleading their cause with a foreign power. But this alternative was denied him. He was an exile; was he to be an idle exile? The question was not whether he should prosecute his schemes in one way or another, but whether he should adopt the course which circumstances pointed out, or remain perfectly inactive.

Still it may be fairly urged, that before he entered upon such

a measure, as that of inviting a foreign force to assist in the liberation of his country, he ought to have deliberated long and calculated carefully. If he were not thoroughly convinced that the measure was likely to be successful, and if successful, most advantageous to Ireland, he should have preferred the misery of being indolent, to the danger of being mischievous. That he was fully satisfied in his own mind of the wisdom of the enterprise, it is impossible to doubt. His honesty, if every former action of his life did not place it beyond the reach of suspicion, received an irresistible attestation on this from his personal sacrifices. But was this conviction of the expediency of an invasion built upon sufficiently strong evidence? Had he studied the chances of success, and balanced them, with a steady hand, against the chances of failure? Had he considered whether the advantages to be derived from foreign interference would compensate for the risk of their exciting a prejudice in the minds of Irishmen against the government which they had established? We shall not pronounce any judgment upon the conclusion to which such calculations should have led him, because we have not, perhaps, sufficient data to found an opinion upon. But, if he omitted to take account of any of these circumstances before he arrived at his final determination, he was, so far, culpably precipitate.

During his stay in France, in prosecution of the purpose which we have mentioned, Tone wrote a diary, which constitutes the largest, though by no means the most important, part of these volumes. It contains some interesting accounts of his interviews with the French ministers and generals; some lively descriptions of his alternations of hope and despondency about the success of his mission, and a more detailed account than had been previously presented to the public of the Bantry Expedition, from which he had anticipated most brilliant results. The remainder is written in a trivial and rather vulgar style. It is chiefly a narrative of the sights he saw which were not very remarkable, and the opinions he formed which were not very original, and it might have been omitted without any injury to Tone's reputation as a man of sense. As, however, there is nothing in it disgraceful to his disposition or character, we are not sorry that it has been published, for the moral it suggests is very important. It is impossible to compare the childishness and affectation which he frequently displays in this part of his work, with the clear and manly sense which is apparent in all his writings upon Irish affairs, without acknowledging that a man, however little of a sage, ordinarily, will, when he has a strong interest in judging correctly, exhibit

all the attributes of one. One instance will set this difference in a strong light. Every one who really appreciates the good effects of the French Revolution, and consequently takes a deep interest in its history, looks back with great concern and disgust at those silly politico-theatrical mummeries, which some members of the republican governments thought it good policy to encourage; but which were quite unnecessary to rouse the feelings of the people in their favour, and which brought the republic itself into disrepute with many indifferent persons, who had sense and honesty enough to believe that the ferocities of Mobs and Montagnards were not necessary consequences of the Revolution, or of the form of government which it established. Now, in the silliest of these exhibitions which took place during his residence in France, Tone seems to have taken a ridiculous delight. Even the truly sublime displays of feeling and courage, which he had often occasion to witness in the French soldiery and people, do not seem to have excited so much of his sympathy as the appearance of "real troops" on the boards of the Theâtre Français; or the circumstance of a few pretty women singing the Marseillais hymn in national cockades; or the irrational processions in honour of Reason. Mark the conduct of the same man when he was not an idle spectator, but an interested actor.

Among his Irish friends were a number of men of amiable feelings, who had no great motive to desire a change, but who, partly from having their minds strongly excited by descriptions of their country's misery, partly from liking the frolic of an Insurrection, had adopted ultra-popular views. These amateur revolutionists

'Agreed to call each other by the title of citizen, and my father frequently received letters through the post-office, written in imitation of the popular style of the French Jacobins, and addressed to Citizen Theobald Wolfe Tone. His good sense pointed out to him the danger and folly of such idle demonstrations. 'Make yourselves free,' he would say, 'and call yourselves what you please. But you are no more citizens for shutting yourselves up in a room and calling yourselves by that name, than you would be all peers and noblemen by calling each other my lord.' '—Vol. i. p. 156.

Some of the conversations contained in this diary are very interesting, especially those with Hoche and Carnot. The reverence which Tone expresses for the latter has been laughed at by a critic in a popular review, as an instance of the plebeian wonder at celebrated democrats, which is characteristic of "the sons of coach-makers." If the surest test by which we discern a low and grovelling spirit is his incapacity to admire a rare

combination of gifts and virtues, when they are not set off by some adventitious distinction, or where they appear in the person of a stranger and an enemy, we need not inquire whether that imputation falls most heavily upon the panegyrist, or the contemner, of the talented and upright Carnot.

Every thing relating to such a man possesses a certain degree of interest, and the following dialogue, which was the first Tone had with him, has additional claims to attention, from the importance of the topic debated in it:—

'I began the discourse by saying, in horrible French, that I had been informed he spoke English. "A little, sir, but I presume you speak French, and, if you please, we will converse in that language." I answered still in my jargon, that if he could have the patience to endure me, I would endeavour, and only prayed him to stop me whenever I did not make myself understood. I then told him I was an Irishman; and that I had been secretary and agent to the Catholics of that country, who were about three millions of people; that I was also in perfect possession of the sentiments of the Dissenters, who were at least nine hundred thousand, and that I wished to communicate with him on the actual state of Ireland. He stopped me here to express a doubt as to the numbers being so great as I represented. I answered, a calculation had been made within these few years, grounded on the numbers of houses, which was ascertained for purposes of revenue; that by that calculation the people of Ireland amounted to four million one hundred thousand, and which was acknowledged to be considerably under the truth. He seemed a little surprised at this, and I proceeded to state, that all those people were unanimous in their sentiments in favour of France, and eager to throw off the yoke of England. He asked me then, "What they wanted?" I said, "An armed force in the commencement, for a *point d'appui*, until they can organize themselves, and undoubtedly a supply of arms, and some money. I added, that I had already delivered in a memorial on the subject to the minister of foreign relations, and that I was preparing another, which would explain to him, in detail, all that I knew, better than could be done in conversation. He then said, "We shall see these memorials." The "Organizer of Victory" proceeded to ask me, "Are there not some strong places in Ireland?" I answered, "I knew of none, except some works to defend the harbour of Cork." He stopped me here, exclaiming, "Ay, Cork! but may it not be necessary to land there?" by which question I perceived he had been *organizing* a little *already* in his own mind. I answered, "I thought not. That if a landing in *force* were attempted, it would be better near the capital, for obvious reasons; if with a small army, it should be in the North rather than in the South of Ireland, for reasons which he would find in my memorials." He then asked me, "Might there not be some danger or delay in a longer navigation?" I answered, "It would not make a difference of two days, which was nothing in comparison of the advantages." When

I told him that I came to France by direction and concurrence of the men who—(and here I was at a loss for a French word, with which, seeing my embarrassment, he supplied me), who guided the two great parties I had mentioned. This satisfied me clearly that he attended to and understood me. I added, that I had presented myself in August last in Philadelphia, to citizen Adet, and delivered to him such credentials as I had with me; that he did not at that juncture think it advisable for me to come in person, but offered to transmit a memorial, which I accordingly delivered to him. That about the end of November last, I received letters from my friends in Ireland, repeating their instructions in the strongest manner, that I should, if possible, force my way to France, and lay the situation of Ireland before the government. That in consequence I had again waited on citizen Adet, who seemed eager to assist me, and offered me a letter to the Directoire Executif, which I accepted with gratitude. That I had sailed from America in the very first vessel, and had arrived about a fortnight; that I had delivered my letter to citizen Madgett, which I had accordingly done. That by his advice I had prepared and delivered one memorial on the actual state of Ireland, and was then at work on another, which would comprise the whole of the subject. That I had the highest respect for the minister; and that as to Madgett, I had no reason whatever to doubt him; but nevertheless must be permitted to say, that in my mind, it was a business of too great importance to be transacted with a mere *Commis*. That I should not think I had discharged my duty, either to France or Ireland, if I left any measure unattempted, which might draw the attention of the Directory to the situation of the latter country, and that in consequence I had presumed to present myself to him, and to implore his attention to the facts contained in my two memorials. That I should also presume to request, that if any doubt or difficulty arose in his mind on any of those facts, he would have the goodness to permit me to explain. I concluded by saying, that I looked upon it as a favourable omen, that I had been allowed to communicate with him, as he was already perfectly well known by reputation in Ireland, and was the very man of whom my friends had spoken. He shook his head and smiled, as if he doubted me a little. I assured him the fact was so, and, as a proof, told him, that in Ireland we all knew three years ago, that he could speak English; at which he did not seem displeased.'—Vol. i. p. 240—243.

These statements of Tone's bear the most evident marks of exaggeration, and prove how very hasty and imperfect his examination of the probabilities of ill-success must have been. With still more absurd confidence he assures Hoche, that "the militia would come over *en masse* to the cause of their country," as soon as a sufficient force should have landed, and that the regulars were wretchedly bad troops, who could oppose no effectual resistance to an invader. It is fair, however, to observe, that although he entertained these delusive hopes, he never

practically relied upon them. Five thousand he represented as the smallest number of troops, which the Directory should send if they expected any co-operation; and the very best general in the French army, he thought, should be selected for the command. He at first petitioned for Pichegru, but when the Directory appointed Hoche, he acknowledged the superiority of their choice to his own. The republican spirit which animated this celebrated man, and which made his premature death so unfortunate for France, and so convenient for Napoleon, is strongly exemplified in the following passage:—

'He then said there was one important point remaining, and that was, what form of government we should adopt in the event of our success. I was going to answer him with great earnestness, when general Clarke entered, to request we would come to dinner with citizen Carnot. We accordingly adjourned the conversation to the apartment of the president, where we found Carnot and one or two more. Hoche, after some time, took me aside, and repeated the question. I replied, "Most undoubtedly a republic." He asked again, "Are you sure?" I answered, "As sure as I can be of any thing; I know nobody in Ireland who thinks of any other system, nor do I believe there is any body who dreams of monarchy." He then asked me, "Is there no danger of the Catholics setting up one of their chiefs for king?" I replied, "Not the smallest, and that there were no chiefs among them of that kind of eminence." This is the old business, but it looks well to see him so anxious on that topic, on which he pressed me more than on all the others.'—Vol. ii. p. 17.

There were two points upon which Tone was very much pressed by the French ministry. The first was the assistance which could be expected from the aristocracy, the second referred to the probable conduct of the Catholic clergy in case of an invasion. To both of these questions his answers were very explicit.

'Clarke still seemed to have a leaning to the co-operation of our aristocracy, which is flat nonsense. He asked was there no man of that body we could make use of, and again mentioned, for example, the duke of Ormond? I answered, "not one," that as to lord Ormond, he was a mere voluptuary without a character of any kind, but that of a blockhead; that I did believe, speaking my own opinion as an individual, that, perhaps, the duke of Leinster might join the people, if the revolution was once begun, because I thought him a good Irishman; but for that opinion, I had merely my own conjectures,'—Vol. i. p. 276.

Again,

'Hoche asked me was it likely that any of the men of property wished for a revolution in Ireland? I replied most certainly not, and that he should count on all the opposition that class could give him;

the feelings and sympathies of the people; they would become the regulators of the temporal, as well as the spiritual warfare of their disciples; and their religious supremacy, as it seems to expose them most to the attacks of the enemy, would give them some right, as a compensation for being foremost in danger, to be foremost in esteem and authority.*

But we must return to our subject. Some of the more rash of the French ministers seem to have felt a strong desire to revenge the conduct of the English government in the affairs of La Vendee and Quiberon, by sending a party of "Chouans" to do what mischief they could in this country. Tone, who was consulted respecting the feasibleness of this scheme, rather discouraged this design, as tending to interfere with the great object of all his wishes. He afforded them, however, all the assistance in his power, and gave way on more than one occasion to all those feelings of detestation towards the English people which it would be strange if any Irishman could repress.

The details of the Bantry Bay expedition are given at great length in Tone's Diary, and they have all the interest which belongs to the narration of an enthusiastic spectator, who relates the events at the moment of their recurrence, before time has impaired the correctness of his recollections, and the vividness of his emotions. The termination of this ill-starred scheme is describe with great minuteness; the disappointed historian concluding with the reflection, that England had been twice saved by the assistance of the elements, and that it behoved him to imitate the magnanimity of Philip II, in submitting to the inevitable dispersion of the new Armada.

During the remainder of his short career, Tone was occupied in stimulating the Directory to renew their attempt, in endeavouring to secure the co-operation of the States General for the same undertaking, and in counteracting the false representations and supporting himself against the intrigues of some of his emigrant countrymen. Whilst engaged in these disheartening labours, news of the dreadful transactions which were commencing in Ireland, and which mark out the year 1798 as the darkest in its dark annals, reached him at distant intervals, and through uncertain channels. First he heard of an insurrection prematurely commenced, certain to terminate unfortunately for his

* If there were not many persons who will take pains to misunderstand our meaning, it would be unnecessary to remark, that we do not, for an instant, suppose that the *concession* of the Catholic claims will increase the power of the clergy. It is the undue prominence which has been given to the subject during its discussion, which, we think, must have materially conduced to this end.

country; and certain to cause the loss of its boldest and worthiest sons. Then came intelligence that his friends had one after another been arrested, and were on the eve of being sacrificed to their zeal for what he considered the most glorious cause in which it was possible for men to engage. And lastly, he was apprised of such transactions performed under the name and by the sanction of the law, as had not been witnessed even in Ireland, since the massacre of 1641, a massacre which the Orangemen, whose heads were every way worthy of their hearts, really believed they were revenging on its authors.

That these events affected him deeply, we do not want his testimony to believe. It would have been well for him, for his country likewise, if the burning desire of revenge which they kindled in his mind, had not made him careless about preserving a life which had been, and might have again become, most useful to the cause which it had been spent in promoting. He had pledged himself to the French government, that he would accompany any force which they should furnish him with, though it were only a corporal's staff; and a point of honour led him to adhere almost literally to this extravagant promise. The troops which were sent out in the Hoche were manifestly inadequate to rekindle the almost extinguished embers of rebellion in Ireland. But they had not even the opportunity of making the experiment. The squadron was captured, and Tone, who (being an adjutant general in the French service) for some time passed undistinguished among the other prisoners of war, was at length discovered to the government by an old College friend, sir George Hill, and brought before a Court Martial.

Of the defence which he made upon this occasion it is unnecessary to speak. Enemies, as well as friends, have acknowledged its manliness and dignity; and if it has never been spoken of in that high-flown language which has been bestowed upon the apology of a much greater malefactor, it is not difficult to explain why the regulators of taste should have found much less pleasure in extolling the composition of Wolfe Tone, the honest, and generally the useful, friend of Ireland, than that of Thomas Wentworth, one of its earliest and most inveterate oppressors. A critic, whom we have before had occasion to notice, calls this defence "a very flowing declamation." That every one who has read it knows that it is not a flowing declamation, and that few persons, of whatever politics, have liked to acknowledge themselves incapable of appreciating its merits, is nothing to us. *We* have no need to be angry with a writer who has furnished most convincing proof that other persons, besides

reformers, are "devoid of feeling;" and that it is possible to be very "cold-hearted," without being the least of a philosopher.

On the lessons which these interesting volumes afford, respecting the past history and present condition of Ireland, we have in the course of this article dwelt at some length. Other reflections, of a more general nature, will have suggested themselves to our readers. The moral of Tone's work lies upon the surface. We only hope that those to whom it should serve for an encouragement or a warning, will lay it to heart. To some it must have furnished topics of strange, and, we should think, of not very pleasing, meditations.

There are not a few persons, and among a class too, which boasts a very profound acquaintance with the world, who treat with scorn the supposition that the people are capable of exerting themselves in their own behalf; that they are not wholly dependent upon those who have undertaken to be their patrons; that they have energies which they may, one day, put forth to some useful purpose. They affect to wonder how any one can uphold opinions so contrary to the maxims which are current among "experienced statesmen;" to the profound observation, for instance, "that individual exertions are always fruitless;" to the grave assertion, "that the many are a rope of sand;" to the undoubted rule, "that the only instrument for effecting any political good, is an aristocratical party," whose members, it is true, have interests at variance with those of the people, but whose corporate mind is singly and exclusively devoted to its service.

The confidence of these reasoners and their disciples will be severely shaken by a perusal of these volumes. They will not hate the people less, when they learn that a man, without influence or distinction of any sort, not by ranking himself under a leader, not by joining with a party which "had a stake in the country," but simply by procuring the co-operation of men separately as weak as himself, was able to astonish an opposition into activity, and frighten a government into concession. But that they will fear them much more, we think we may venture to predict. The lesson will not teach them to leave off cursing the multitude, but may possibly cure them of the somewhat idle habit of laughing at it.

Indeed there are few persons who will be so well able as these to appreciate the labours of such a man as Tone. They have a scale by which they can measure, a standard to which they can compare his exertions. If a foreigner should ask them to point out the most remarkable transactions in which those statesmen were engaged whom they are accustomed to celebrate

as the greatest, wisest, and best, that their country ever produced—of how many could they call to mind no other memorials than set harangues, ingenious apologies for the actions of themselves or their friends, when excuses could be found for either, or skilful recriminations upon the assailant when they were quite indefensible? Now, will it not strike them as rather strange (considering the gifts and influence of these statesmen were so extraordinary) that if they were required to mention the actions which had signalized the life of a poor unpatronized "son of a coachmaker," they could give an answer so much more satisfactory; that in place of a long prepared oration which affected an audience for an hour, they could have referred to the establishment of a mighty organ of public opinion, which for years made the rulers of the land tremble; instead of an eloquent panegyric upon some living or dead nobleman, they might point to the abolition of a penal code, which flattered the prejudices and gratified the hatred of those whom he compelled to abandon it; instead of a brilliant reply, which reduced an opponent to silence and confusion, they might unveil a scheme for the overthrow of a government six centuries old, which was only prevented from being successful by an accident no human foresight could have provided against? What theory they may frame to account for this paradox we cannot tell. We should scarcely think it could be one which is grounded upon the notion that a mere man of the people is an utterly helpless and inefficient being.

And if their reflections on the past are not agreeable, their anticipations cannot be very consolatory. Tone was not of those anomalies which characterize a single æra, and to which no subsequent age is likely to exhibit a parallel. The miracle (if it was a miracle) is, that he should have arisen when he did arise; the appearance of such a man now would be a mere natural event. Whatever other effects may have been produced upon the middling classes of the community by the discipline of the last five-and-twenty years, we may be quite sure that it has *not* had the effect of teaching them to confide more in aristocratical factions; that it has not had the effect of lessening their belief in the necessity of self-dependence; that education, which has defied all attempts to check its diffusion, or control its direction, has brought with it a power—an intellectual power—which teaches its own use and guides its own operations. But this is not all: it is not the strength of their enemies only which the supporters of existing abuses have to fear. That strength—infinitely more intelligent, infinitely more concentrated than it was when, in the hands of Tone and his confederates, it produced such remarkable results

—instead of being met by any accession of force in the hosts against which it is directed, will encounter a far feebler opposition than at any former period. Formerly the men who are "rocked and dandled into legislators" were assisted by able mercenaries, selected from the ranks of the people, who interposed a dexterous and subtle sophistry between the imbecility of their patrons and the arms of reason and truth with which they were assailed. Upon the assistance of these Swiss troops they must count no longer. Warned by the unfortunate fate of men who have brought splendid talents to the assistance of those who had too little wisdom either to defend their own abuses or to understand the merit of those who pleaded their cause; warned by the mortifying treatment which Burke endured from those who were indebted to him for the only plausible arguments ever advanced in their behalf; warned by instances still fresher in our recollection of individuals who, having in early life sacrificed genius, independence, reputation, every thing, to the aristocracy, at last found themselves compelled to seek refuge from their contemptuous patronage in the support of the people,—talented plebeians, however little principle they may possess, will pause before they desert for such temptations that which is not the public cause only, but their own.

To what determinations such reflections as these may lead the ruling classes in this country, we shall not venture to guess. If the knowledge that there is arrayed against them a force so irresistible, should induce them to seek to avert its hostility by displaying some sympathy with a class from which they are separated by interest, their tardy prudence will be a proof that while the rest of society has been moving onwards so rapidly, they have not remained entirely stationary. If, on the contrary, they trust that a superstitious veneration for ancient institutions will induce men patiently to endure practical grievances; and if in the strength of that belief they should continue to manifest by their indifference to the interest of the people that contempt for them which their past acquiescence has, perhaps, merited, time may convince them that their confidence was misplaced, and their contempt premature.

ART. V.—*An Essay on Money-Lending; containing a Defence of Legal Restrictions on the Rate of Interest, and an Answer to the Objections of Mr. Bentham.* By Francis Neale, Esq. M. A. Barrister-at-Law. London. 1826.

ELEVEN years have now elapsed since Mr. Serjeant Onslow first submitted to the House of Commons the expediency of abrogating the Usury Laws; and although, among the public, the number of instructed persons who acknowledge their absurdity and mischievousness has inconceivably increased, yet, in that assembly, to its disgrace be it spoken, they possess a formidable band of supporters: such is the "march of mind" among the landed gentry, who form, or, at all events, influence, a majority of that body. Not content with withholding cheap corn from a starving population, with diminishing the productiveness of capital, and impeding its accumulation, as they have done, and continue to do, by their Corn Laws, for the sake of adding a few pounds per annum to their rent, they persist in burthening the industry of the country with these barbarous restrictions, although they do not derive a particle of benefit from them.

It is indisputably to the fostering care of the country gentlemen that the Usury Laws owe their continuance. To them the credit is due of having preserved these sacred relics of the wisdom of our ancestors from the profane hand of the reformer, and from the fate to which the laws against witchcraft, and other venerable absurdities, have been subjected. The praise of antiquity is, as we believe, the only praise to which the Usury Laws are fairly entitled. We think it will not be difficult to show how much inconvenience and suffering they inflict; aye, even upon honourable country gentlemen so prominent in the ranks of their supporters.

We are, say the country gentlemen, a very important class of persons, the bulwarks of our glorious constitution. We are, in a word, the property and the agriculture, the wisdom and the virtue of the country. Admit this, in deference to their modesty. Is it not desirable, they continue, that we should be independent? that we should be able to raise money whenever we want it, and pay only five per cent interest for it, instead of being at the mercy of a set of relentless usurers and capitalists, who would make us give five and a half, or six? Admit this also, and we beg our readers to bear in mind that these are important admissions; but inasmuch as the country gentlemen further affirm that the Usury Laws secure for them this independence, and that it would be annihilated were they abolished, they maintain

a doctrine which we dispute. What we assert is directly the reverse. Country gentlemen, it is said, are enabled by the Usury Laws to borrow money with facility, and at a low rate of interest, which, were those laws repealed, they would not be able to do. They can, it is true, under present circumstances, borrow money with facility, and at a low rate, but no evidence is ever adduced to show that this is owing to the laws. We contend that it is not owing to them, but to the competition of capitalists, and to the goodness of the security which country gentlemen are able to offer. They can borrow money on mortgage at the market rate, that is, at a rate bearing a given proportion to that at which other loans are made, and the competition of capitalists would enable them to do so, if the laws did not exist. The mode in which competition operates is so well known, and so perfectly obvious to the dullest comprehension, that it would be idle to give an explanation of it here. It is sufficient for us to point out that this is a case in which competition operates freely and without restraint; which, as it is never disputed, we might take for granted, but which, nevertheless, we conclusively show, by remarking that the market rate is sometimes four per cent, and that then the country gentlemen borrow at four per cent, as was the case two years ago, and probably is the case at present. But we defy the most ingenious of their advocates to trace this to the Usury Laws. So long as the market rate is at or below the legal rate, no harm, we admit, is sustained by the country gentleman in consequence of the laws, although at the same time it is obvious he gets no good by them. They are, then, wholly inoperative. But suppose the market rate of interest on mortgages is above the legal rate; suppose, for example, that a capitalist can employ his money at five per cent by lending it on stock, or investing it in Exchequer bills, which, being more convertible, are for that reason more desirable securities: what *then* becomes of the country gentleman and his protecting laws? He has no longer any charms for the capitalist; and his only alternative is either to go without his loan, or to raise it by way of annuity, or by some other circuitous mode, whereby he pays for it nine or ten per cent; whereas if there were no Usury Laws, he would be able to borrow it at six. This comfort certainly do the Usury Laws afford, but no other—under no circumstances can they lower the rate of interest to country gentlemen, under some they must infallibly raise it.

So much for the arguments of the land-owners touching the effect of the Usury Laws on themselves. Highly, however, as they esteem themselves, and thoroughly convinced as they are, that the prosperity of the country is dependent on, and identifi-

able with, their prosperity, sometimes do one or two of their body condescend to defend the Usury Laws on other grounds. Among other arguments in their favour, they triumphantly and repeatedly urge, that the country has flourished under them. This may be very true; but it should be recollected that the country has flourished equally under the Corn and Game Laws, under the Court of Chancery, under the National Debt, under Corporations and Colonies, and a multitude of other blessings. The prosperity of the country, we are entitled to say, is owing to these, and not to the Usury Laws. Some other evidence of their utility must be adduced beside this.

The prevention of prodigality is one of the alleged advantages of the Usury Laws, and of all the arguments used in their favour, this is, perhaps, the most plausible. This part of the subject, however, has been so completely exhausted by Mr. Bentham, in his admirable tract upon this question, that we can hardly avoid going over the same grounds; but the perseverance with which the dogmas which he has so successfully assailed are still clung to, renders it indispensable, that we should, for a moment, resort to the same effectual weapons.

If they prevent, or even materially check, prodigality, they possess considerable merit. But, even granting they effect this, their necessity is not established; for if, at the same time that they prevent the dissipation of wealth, they impede its production (which we propose to prove) where is the gain? In point of fact, however, they are not in the least instrumental in checking prodigality. If the prodigal has property in possession, as must be the case with most prodigals, the Usury Laws have nothing to do with him, and it is only when he has property in reversion that they can operate at all upon his conduct. Of these how few, how infinitely few, are deterred by the Usury Laws from improvident bargains for the future! Not to mention the cases in which money-lenders, on receiving a remuneration commensurate with the risk and odium which they incur, are induced to directly violate them; is it not the easiest thing in the world to evade them? We could detail a hundred ways in which the most perfect and secure evasion is to be accomplished. It is sufficient for our purpose if we adduce one or two. The most common mode is that of the purchase of annuities, and the universality of this practice is so well known, that it needs little comment. A man receives a sum of money, and, in consideration of this, he gives the donor an annuity of perhaps ten or twenty per cent per annum, paying besides, the law expenses on the transaction, and the cost of the insurance of his life, thereby assigning at a certain period the principal back to the lender,

after having paid him an exorbitant interest for the use of the loan. There can be no more effectual mode of making a loan at a high interest than this: but if, as might be urged, it should be deemed possible and expedient for the legislature to put a stop to this practice, there are still other plans left which might be resorted to, equally effectual, equally oppressive on the borrower, and not to be prevented by any prohibition short of that which should suspend all the intercourse between man and man, of which money is the instrument. Of such a description is the plan so notoriously frequent, where the lender, in consideration of the loan, compels the borrower to take goods of him at inordinate prices, by which means he frequently procures for himself an interest of forty or fifty per cent. It is the same with spendthrift governments as with spendthrift individuals: they too are not at a loss to find ways of evading laws which they will not consent to repeal. Witness the loans of our government in the late wars. At the legal rate it could find no lenders, but the money was indispensable, and it accordingly actually paid six or seven per cent, while it denominated the loans three or five per cent loans, thus veiling its inconsistency by a manœuvre as flimsy as it was contradictory and absurd. Infinite are the means of evasion—means whose existence the advocates of the Usury Laws cannot deny or control. They pour over them their lamentations; but for ourselves, we think that this facility of evasion is the only good point about the laws, the only merit they possess; inasmuch as it tends to mitigate and soften their oppressive operation, which would otherwise be far more burthensome and pernicious than it actually is.

Equally inefficacious are the Usury Laws in serving the needy but industrious, as in sheltering or restraining the prodigal and extravagant. It would be a happy thing if they were simply inefficacious, but they are more than this; they are, notwithstanding the facility with which they are to be evaded, most ruinous and oppressive. Small traders and merchants, it is urged, are protected from the extortion of money-lenders by these laws. To expose the falsity of this, if by protection is meant any thing beneficial, it is sufficient merely to contrast the situation of the small trader when under the protection of the laws, with his situation when deprived of their tutelary assistance. The credit of such a man is indifferent; he cannot raise money on the same terms as the great merchant, as the government, or even as the country gentleman. When, therefore, the rate of interest to these is five per cent, the rate to him will be six or seven; which is indeed only a fair remuneration to the lender for the additional risk of his capital. And so it

will be when there are no restrictions. He will habitually give more than parties in better credit, and on these terms he will be able to raise money whenever he requires it. Now grant him the friendly, the fatherly protection of Usury Laws, and with what a boon you bless him. Five per cent interest will induce nobody to trust him with a loan, for at that rate capitalists can employ their money in securer quarters, and no one dares receive six per cent for fear of the penalties of the laws. What then is to be done? he must either have the money or be ruined. The choice is not difficult: he raises the money, no matter at what sacrifice. The money is procured either by an evasion of the laws, or, as is more frequently the case, by the sale of goods, which, being probably forced on the market at an unfavourable moment, are sold at a ruinous loss. In either case the rate of interest which he pays is infinitely more than he would be under the necessity of giving were there no restrictions. The instances of sacrifices of this nature in consequence of the laws in the years 1825, 1826, when almost all engaged in trade were to be ranked among the needy, were innumerable, and it was stated in the House of Commons, by Mr. John Smith and others, that in the course of December, 1825, money was raised by the sale of stock at a sacrifice equivalent to an interest of seventy or eighty per cent per annum. And yet the laws are said to protect the indigent!

It may not be strictly correct, perhaps, to say, that the late commercial distress was caused by the Usury Laws; but it must have been obvious to every one how greatly they aggravated it. It is well known that the distress began by a scarcity of money in the city. In due time, as the scarcity increased, it became impossible to raise money on bills at the legal rate of interest. Then were seen the struggles of the needy to procure it in extraordinary ways; the timid became alarmed, and withdrew their capitals from circulation; credit was destroyed; the difficulties of the embarrassed were increased, and hundreds sank under them. Nearly all this might have been avoided, had it not been for the mischievous interference of the Usury Laws. On the first appearance of scarcity of money the rate of interest would have advanced, and not only would those whose wants were not pressing have been deterred from resorting to the sources of supply, but the temptation of a higher remuneration would have prevented the prudent from drawing in their capitals as they did, and would have attracted fresh supplies, by calling into circulation what had previously been hoarded. Thus would multitudes of tottering establishments have been supported, and credit have remained uninjured.

It was in this very way that the crisis was met at Hamburgh and other commercial cities on the continent, where the rate of discount, advanced to ten per cent, remained so for a few days, and then, by attracting ample supplies of cash, it was again depressed to its former level.

A word or two more with respect to the effect of the Usury Laws on small traders. It was stated by Mr. Rothschild, in his evidence before the parliamentary committee on this question (testimony which is appealed to with great exultation by the lovers of the laws), that "he thinks the operation of the Usury Laws, as bearing upon the value of money in England, of great importance to tradesmen. In this country it is different from those on the continent: a bill drawn upon such persons is seldom, if ever, seen; while in this country they abound, and are doubtless a great and necessary accommodation to that part of the community." * * * "These bills would become negociable at the legal rate of five per cent discount, which enables such persons to carry on their concern, not only with more facility and advantage, but to a much greater extent. It is impossible for me to say positively what would be the consequence to these and many others of a similar description, were the Usury Laws repealed; but I believe great advantage would, in many cases, be taken of the necessities of such persons, by the lender demanding, probably, two or three times the rate of interest from them on their security as would be required in discounting the bills of first and second rate houses; therefore, it appears to me, that the less opulent should be protected in some way from being exposed to so great a reduction in their profits, through the necessity of turning their capitals, by immediately discounting their drafts at an extravagant rate, those persons not having hitherto had much difficulty in discounting their bills at the legal rate of five per cent discount."

Mr. Rothschild is a great and successful merchant, and may perhaps be looked on as a competent judge of the circumstances which proximately influence the exchanges and the prices of stocks; but on the present subject, no great deference is demanded for his opinion. In the piece of evidence above quoted, the facts (to say nothing of the reasoning) are most glaringly erroneous. It is notoriously false that the bills alluded to are discountable at five per cent even in the best of times. They are for the most part not made payable at a banker's, and are on this ground, and on account of the smallness of their amount, inadmissible at the Bank of England, and consequently rarely current any where else. In times of the slight-

est scarcity, they are utterly unnegociable at the legal rate, and the unfortunate holder of them is obliged, if resolved on discounting them, to have recourse to the agency of some of that class of money-lenders whom the present laws alone call into existence, and who are justly objects of public execration. Such parties are readily found to supply him with what he requires; but removed as they necessarily are from the salutary influence of public opinion, there are no bounds to the extortion to which they subject him. To save him from the necessity of paying seven or eight per cent, the laws, as in the cases adverted to above, compel him to pay thirty or forty; and, what is in itself no trifling consideration, constrain him to have dealings with unprincipled rogues, in place of men of character and respectability.

Instead of being injured, no class of men, we firmly believe, would be more benefitted by the repeal of these laws than small tradesmen or retailers. Their profits, made up as they are to such a great extent of the wages of their labour, are, with reference to the capital employed, enormous, and are capable of bearing with ease a higher rate of discount, to the extent of three or four per cent, than the profits of establishments operating on a larger scale. It is no hardship, then, we maintain, for these parties to pay a somewhat higher rate than extensive capitalists, but it is a grievous hardship to forbid them paying more than five per cent for a loan, when they are unable to procure it for less, even if that loan is necessary to save them from ruin.

Wherever the facts which Mr. Rothschild mentioned in evidence are not erroneous, they tend most unequivocally to confirm the view we take of the effects of the Usury Laws. In Holland, Hamburgh, and the Hanse Towns, he states that there are no Usury Laws, and he allows that, nevertheless, the usual rate of discount on good bills is not more than four or five per cent; and he moreover affirms that he does not know a country in the world where Usury Laws exist in which they are not evaded. Evidence to the same effect was given by other parties before this committee, in quantity as ample as we could possibly desire. Out of twenty-one persons who were examined on that occasion, only one was found besides Mr. Rothschild to express a decided opinion in favour of the laws, while seventeen declared themselves as decidedly against them. Among these were several eminent solicitors, who bore testimony to the difficulties under which the country gentlemen laboured during the war, whenever they were in want of money. They all agree in stating that it was frequently impossible to raise

money on mortgage; that the ruinous system of granting annuities was almost invariably resorted to, and, on the whole, that the laws tended to diminish the value of landed property, to clog and burthen commerce, to oppress the indigent borrower, and generally to promote the very evils which they are designed to suppress.

We have now stated, and have endeavoured to reply to, most of the arguments which are usually brought forward in defence of the laws. We have selected them chiefly from the debates on the subject in the House of Commons, and the public must have been familiar with them since the question was first broached. The next argument we shall advert to is one which has not, we believe, been employed in public by any one save and except his majesty's present attorney-general. We do not know that it has yet met with a reply; and yet, possessing as it does a little more of ingenuity and originality than those of the country gentlemen, although but a little, a short refutation of it may not be superfluous. We will, therefore, endeavour to supply the deficiency. The argument we allude to is contained in the annexed extract from a speech of the then solicitor-general, two or three sessions ago.

"But there was another objection to the removal of the present laws for regulating the interest of money. It would have the effect of making capitalists engross the profits of the most profitable trades without incurring any of the risks of partnership. If a man could get ten or twelve per cent for his money, by lending it on good security to a person engaged in a profitable trade, he would not become a partner in the trade, where the whole of his property would be liable, in case of failure, to the partnership debts: he would rather lend it, and then he was sure of a certain portion of the profits, if the trade succeeded, and if not, he would have a guarantee for his money advanced, to the prejudice of all other creditors."

Granting this to the full extent, the evil incurred by the repeal of the laws would still, from the rarity of its occurrence, be of no great magnitude, and would ill serve to counterbalance the weight of advantage which would, on other grounds, result from it. But we dispute the greater part of the learned gentleman's argument. We contend first, that capitalists would not be able to engross large profits without incurring risk, or that if they could, they must necessarily do so nearly as often under the Usury Laws as they would after their repeal, and secondly, that this is on the whole no evil, and therefore ought not to be discouraged.

It is the opinion of most of the advocates of the Usury

Laws, that the market rate of interest ought to be somewhat below the legal rate; meaning, by the market rate, the rate at which money is lent for a long period on good security; and such has recently been the case. Now, as in the learned gentleman's argument, it is supposed that the capitalist takes care to have good security for his loan, it is obvious that he will get no more than the market rate of interest, which will be the same whether the Usury Laws are in existence or not, for competition will here have its full operation without any thing to interfere with it. Transactions of this kind, therefore, would have no greater encouragement after the repeal of the laws than they had before. Such would be the case when the borrower has good security to offer, and it would only be when he has no such security to give, that the absence of Usury Laws would produce any effect. It remains to be shown that the effect then produced ought not to be regarded as an evil. The evil which appears to have been apprehended by the learned gentleman is, that when a party employs a borrowed capital, an imposition is practised upon the public in respect to the property of the party borrowing, inasmuch as he possesses the semblance without the reality of capital. But what matters the deception, supposing it does not give rise to any mischievous errors on the part of the public, or any member of it? and it cannot do this except in a very small number of instances. The public, it is true, may be led to give additional credit to this man, but they would have reason to do so, and in a vast majority of cases they would do so with impunity. In some instances, the party might become insolvent, and it is then alone that any evil would be experienced; but even then, the borrowed capital which was the source of the delusion, would, if any remained in existence, stand among the assets of the insolvent to be shared among all the creditors. But the fact is, that few men would be so silly as to lend their capital, even although they should be paid a high interest, without security, to parties whose concerns were not in a promising state, and of a successful issue of which there was not a strong probability. In the event of a favourable result, there would of course be no evil to be apprehended.

Having thus endeavoured to prove that there is no harm in encouraging the embarkation of capital in such concerns, we are disposed to go a step further, and to think that there would be much harm in discouraging it. If there is any one point in political economy which is established beyond dispute, it is, that whatever tends to interfere with the distribution of capital, tends to diminish its productiveness, and is therefore detri-

mental: and it is upon this principle that we feel justified in saying, that a regulation which prevents one party from employing his capital as he likes, that is (if our estimate of human nature be correct) where it is most productive, and to deny another party the privilege of paying a high value for capital, when he knows it is worth as much to him, is an injurious regulation. It is injurious in two respects: first, in so far as it prevents two individuals from acting agreeably to their inclinations, which is a hardship to them; and, secondly, because the public is deprived of the benefit of the increased productiveness which it is fair to presume the capital would possess, if employed by the party who manifests a desire to obtain it. A man, for example, might invent a new machine, over which his superintendence might be highly necessary, and which might require more capital to work it than he possessed. If he is prohibited from borrowing the capital wanted for this purpose, he loses the profit which he would acquire for himself in the employment of his machine; the capitalist to whom he would apply loses the opportunity of employing his capital in a way which would be agreeable to him, and the public sustain the twofold disadvantage of either not having an old commodity cheapened, or a new one created, and of discouragement being placed in the way of many who might otherwise be in a situation to benefit the world by their ingenious discoveries. The most triumphant part of Mr. Bentham's work is that in which he replies to Adam Smith's thoughtless reflections on projectors, who it is there shown are, in fact, a class of men who merit the most unbounded encouragement and protection.

It is now time that we should make a few remarks on the essay, the title of which is prefixed to the present article. It would not become us to neglect noticing arguments which are put forth with such pretensions, and embellished with such flowers of rhetoric as these are; nor will the task be difficult: to state will be to refute them.

'"I shall oppose," says Mr. Neale, "the removal of legal restraint on Usury upon this bold and uncompromising principle, that the practice of money-lending is altogether a terrible evil to the state; and that therefore, if we cannot prevent it, we should at least restrain it as much as possible."'

This is indeed a "bold and uncompromising" proposition, and it is proved by other propositions which are not less so. Mr. Neale begins by hinting that, as money-lending was discountenanced by a divine government, it is fair to presume that it must be improper and mischievous; he very wisely, however, does not dwel on this fact, but fearlessly discarding the support of authority

human and divine, maintains his position by arguments drawn from his own fertile and ingenious mind.

The evils of which money-lending is the cause are, he affirms,

'A destruction of public confidence and public security, an usurpation of public rights and avoidance of public duties, the extinction of patriotism, and the extension of cosmopolitan philanthropy; the increase of great towns, and consequent loss of health, strength, and activity to those immured in them, and the encouragement of vice and effeminacy; also the encouragement of gambling, and the acquisition of large fortunes, with the pride, envy, hatred, and other bad passions resulting therefrom.'

And he sums up the whole by proving, that

'Money-lending hurts the health, deforms the body, and degrades the mind of all those who occupy themselves with this pernicious practice.'

This is indeed a fearful catalogue of evils, and how we can manage to exist in a country where so baleful a system is tolerated is beyond our comprehension; but as "damnation" itself has been held by some to be very bearable to those who are used to it, so we suppose long habits have made us callous, and long sufferings unsusceptible of misery. Thus our eloquent declaimer proceeds:—

'Let us now consider the claim which money-lending may have to the credit of the next evils on my catalogue—usurpation of public rights and evasion of public duties. The ancient law, the law not yet formally abrogated, has decreed, that a variety of rights shall be inseparable from a certain possession of substantial property, such as, from its nature and qualities, was deemed in the greatest degree both certain and lasting, and was therefore called real. Such a portion of property, calculated to supply all his simple wants, and guaranteed to him by the power of the state, upheld by the strong arms of himself and his fellows, was supposed to render a man free and independent of every human being. His possession was, therefore, called a freehold, or a freeman's tenement; therefore his voice might be heard in the conclave of freemen. To him was committed an important share in the most honourable and delicate of all the trusts which can exist in civil life—the formation of the supreme power of the nation. He was called upon to decide in every case implicating the life and fortune of his fellows, when all legal subtilties had been removed, and nothing more was wanting than a freeman's sound discretion and fearless voice. Such was the law in its simplicity and unevaded . . . . The laws of which I speak may be wrong in principle and pernicious in effect. They are, nevertheless, still nominally unrepealed, and a part of our code. Daily do our judges appear to support them with almost religious zeal: and continually do all classes of Englishmen take occasion to boast of them. But, by the allowance of money-lending, these laws (startling as the position may at first appear to some) are, in effect, almost entirely abrogated and made

null and void. For the same deception, the same false credit that practice gives rise to, and which I have shown to be so ruinous to individuals, is able to lift itself against our very laws and whole community, and with more dangerous consequences. For by this means it is most clear, that a man may appear, according to all those evidences which the law does, and perhaps can, notice, to possess that due qualifying property, that sensible foundation of the most important rights, though he be really in perfect penury. In spite of the freeman's boasted privilege, his life may now be tried by one that is even worse than pennyless—by one that has sold his very services and labour for a long time in anticipation, sold them, perhaps, to the deadly enemy of him whose life is so arraigned. He may wait for awful judgment from the mouth of one who, if he be not a slave, is only to be distinguished from such by a very slight shade; instead of the lash, he is made to feel the constant dread of a sudden bursting of that bubble on which he swims. If the usurpation of the right of judgment by such a man as this be dangerous, incomparably more so is his meddling with the sacred trust of appointing legislators. Some think the spirit of liberty to be of so jealous a temper that she will forsake that temple on which one slavish hand has been laid, and return no more until the perfect expiation of so great a pollution; as some delicate birds are known to desert their nests that have once felt human touch.'—p. 17.

Again—

'The farmer, the merchant, the mechanic, the *lawyer*, the physician, though they should happen foolishly to make money their summum bonum, and internally to think nothing of consequence but as it leads to that prize, yet each, in running his peculiar course for it, performs functions of the greatest importance and benefit to all. But the case is otherwise with the money-lender; his art of growing rich is but the incessant shifting of money from one hand to another. The drudgery in which his life is consumed fulfils no office, either of utility or ornament, to the public. But his life is worse than merely unprofitable and unnatural; it deserves not the praise of indifference, for it is full of positive harm. In the first place it is beyond measure sordid.' . . . .—p. 52.

We give these flourishes as samples of the whole. They are pompous and hollow enough in all conscience; and sufficient, too, to show how well our author's genius is suited to the profession, of which he proclaims himself a member, and how highly entitled he is to eminence therein.

If the justness of these arguments be admitted, Mr. Neale has made out an incontestable case in favour of the Usury Laws; nay, more, he has demonstrated that our ancestors were quite in the right in prohibiting all lending at interest, and that we ought to hasten to abrogate our pernicious innovations, in order to become as virtuous and wealthy as they were.

Seriously, however, it would be a work of supererogation to

demonstrate the groundlessness and futility of these self-confuting *diatribes* against money-lending and money-lenders; nor do we think it necessary to point out at length, how incalculably greater are the advantages than the evils, which society derives from it. Every instructed person is aware, that without the adoption of this system, no nation could emerge from barbarism, that trade and manufactures could not be carried on, except on the most trifling and contemptible scale; that no work of public utility or grandeur could be carried into execution. For where could be found the individual, or set of individuals, who, without the pecuniary aid of the inactive capitalist, would undertake the formation of a road or canal? Or, if persons of adequate wealth could be found, what motive would they have themselves to superintend such undertakings? It is in the hands of the industrious alone that wealth is productive; and the proprietor of great wealth is usually, and almost necessarily, the reverse of industrious. The owner of capital may not only have no disposition to employ it himself, he may likewise not have the power. Charitable institutions, widows and orphans, derive their respective incomes in the majority of cases from capital lent to others, since the active employment of it by themselves would be impossible. In what state would these be, were money-lending prevented? Even the labourer's little earnings, which now, through the beneficent instrumentality of savings banks and benefit societies, are productively employed, would lie in a sterile heap; or, as is more probable, would be dissipated in transient, and perhaps mischievous gratification. These would be the effects of a regulation that should altogether prevent the free circulation of capital, but they are too well known to make it requisite that we should dwell on them any longer.

Leaving Mr. Neale, the whole of whose reasonings in his long pamphlet are founded on the single proposition, the absurdity of which we have endeavoured to show, we find but little more to say on the subject of the present article. We hope that what we have said may hasten the arrival of the day which shall see the downfall of these disgraceful laws, which we are convinced have tended nearly as much as all the other restrictive regulations together, to retard the career of improvement and civilization. We cannot, however, but think that their reign will now be short. Prejudice, gross and blind prejudice, and not the offspring of sinister interest, supported, as is but too frequently the case, by an ill-understood text of scripture, has hitherto been their chief support. But every step which is made in knowledge, every item of instruction conveyed to the minds of the public, every exercise of their reason-

ing faculties will tend to diminish the influence of this. What has taken such firm root in the hearts of men we cannot expect to see at once overthrown, but we are sure that it may be successfully undermined with the aid of the instruments to which we advert. This process is slow, but happily it is not the less sure. Forty years ago we question whether there existed an individual in the country who presumed to doubt the wisdom of the Usury Laws: now, where is the man of cultivated and unprejudiced mind who doubts their absurdity? Our remote ancestors deprecated usury, that is, lending at interest, because Moses told the Jews that it was an abomination in the sight of the Lord, because it was unnatural for money to beget money, and among other reasons, because it involved a breach of the Sabbath, inasmuch as the plough of the usurer rested not thereupon. Our immediate ancestors, and our cotemporaries have hated usury, because it is exercised by persons of the Jewish persuasion, because it is apt to embarrass country gentlemen, and for sundry other reasons which we have already laid before our readers. Silly as the reasonings of these latter are when viewed alone, how they swell into wisdom when contrasted with those of the former! May we not then expect that the rising generation, including even the race of country gentlemen, will be as much distinguished above that which is passing away, as this is above that which preceded it? No reasonable person can doubt it. But we trust we have not to wait so long even as this question may seem to imply. Already do the disputants meet on nearly equal terms. Numbers still preponderate on the side of the enemy, but in intellect we possess a triumphant majority. Even the Quarterly Review, the strong hold of orthodoxy, has declared itself in our favour: this, we trust, is symptomatic of an approaching change in the sentiments of the country gentlemen, to whom it has always been a faithful ally.

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Art. VI.—*Third Report of the Emigration Committee. Session* 1827.

If the third Report of the Emigration Committee were valuable on no other account, it would have very high value as containing the most extensive collection of evidence which has hitherto appeared upon the state of the labouring population of this country.

We shall not attempt to give even a general view of the field embraced by that evidence. In a publication like the present, a selection must be made out of various objects of contending interest, lest unity of argument should be dissipated, and atten-

tion distracted. The condition of the multitudes of our artizans who are liable every two or three years, by a revulsion of commercial credit, a glut of markets, or an improvement in machinery, to be thrown destitute on the resources of the rest of the nation, must stand among the chief subjects of solicitude to those who do not require the actual presence of famine to remind them of the existence of extensive suffering, and to stimulate their endeavours to alleviate it. But to devise the means to elevate that condition, though it may sound as one purpose, includes in fact as many separate yet tangled questions as can be laid before the mind in one proposition. We must seek to limit investigation as we proceed.

The facts which lead most naturally into the track which we intend to pursue occur in the very first pages of the Evidence contained in the above-named Report. There we find the examination of two working weavers of Glasgow, Joseph Foster and James Little, who were delegated by a society of the people of their trade called "the Glasgow Emigration Society," consisting of one hundred and forty heads of families, to solicit means to enable them to emigrate to Canada, on the ground of the deficiency of employment at home, and the extreme depression of wages. "They (the weavers)," says Joseph Foster, "are sometimes working eighteen and nineteen hours (per day), and even all night is quite common one or two nights in the week; and on the calculation that we have made of the wages, after deducting the necessary expenses (of machines, &c.), they will not amount to more than from 4*s.* 6*d.* to 7*s.* per week." "The principal subsistence of the weavers is oatmeal and potatoes, and probably a little salt herring, or something of that kind, a number of them have not a sufficient quantity of that."—p. 53.

The forethought (Joseph Foster speaks of this society having "a little money subscribed to provide clothing and other necessaries" [p. 53]), the intelligence, and the moral energy, displayed by these poor weavers in combining together to devise methods to extricate themselves from their lamentable situation, without the sacrificing their independence, struck us most forcibly. The Report contains much more evidence of the same admirable spirit.

Mr. Archibald Campbell, a member of the Committee, after confirming in the fullest manner all that the preceding witnesses had stated, delivered in [p. 55] an "Abstract of the number of persons composing the following Societies in the county of Renfrew, who have petitioned for aid to enable them to emigrate to the British possessions in North America, made up

by direction of the Lord Lieutenant of Renfrewshire, January 1827." The societies named are 13 in number, consisting of 793 men, heads of families, or of 4,653 persons in all.

We go on to the evidence of Mr. Northhouse, late of Glasgow, authorized, on the part of several of the Emigration Societies included in the Abstract already referred to, and also by twenty-three societies in Lanarkshire, consisting, as he states, of one thousand six hundred and eighteen families, or about eight thousand five hundred individuals [p. 87], to lay their case before the Committee, and to solicit means to enable them to emigrate. Nearly the whole of the societies whom he represented consist of hand-loom weavers [p. 88]. This witness says "the state of want and destitution in which the members of those societies were arose not so much from a less demand for their labour, as from the inadequate payment of their labour; I believe the demand is much better now than it was formerly; there are not many individuals at present out of work" [p. 88]. "On the coarser fabrics, the utmost extent of their wages, I take to be about 3*s.* 6*d.* per week, working sixteen hours per day." "A family of five persons, by their combined exertions, might earn about 5*s.* 6*d.* per week at the coarser fabrics." "I should think their average earnings (of the members of those societies) are not more than from 5*s.* 6*d.* to 6*s.*"—pp. 91, 92.

Mr. Northhouse further states, that those whom he represents "will not only enter into any single bond for that purpose (to pay interest redeemable at will for any money which may be advanced for their location), but they will enter into joint and several bonds for each other; and they will get their friends also in Canada, who have expressed their willingness to do so, to enter into joint and several bonds with them for the repayment of the money that would be advanced."—p. 91.

In the Appendix to the Report, No. 1, are inserted Abstracts of all petitions and memorials received at the Colonial Department, from persons desirous of emigrating from the united kingdom, between the beginning of June, 1826, and the end of May, 1827, in number 627.

Among these there is further evidence of the extent to which associations among the working people to procure the means of emigrating have been carried. We cannot make room for particular mention even of those most worthy of notice. Suffice it to say that we find petitions for the same objects from 14 societies, consisting in all of 1,116 heads of families, or about 5,000 souls, principally weavers, but many of them mechanics and labourers, from Glasgow, Paisley, Kilmarnock, and the neighbouring dis-

tricts, besides those included in the abstract above mentioned, and those represented by Mr. Northhouse, all describing, in the most earnest, but the most temperate, language, the extremity of the distress which induces them to apply for assistance. There are also petitions from three other societies, one in the neighbourhood of Lanark, one at East Kilbreed, and one at Hamilton, the numbers composing which are not stated. There are many more from bodies of persons not formally incorporated into societies—in all, some thousands of souls.

The number of persons resident in England who have petitioned is considerably smaller. We only find one petition from a society giving itself a designation as such—"the Blackburn Society of Emigrants," consisting of sixty heads of families, who call themselves "manufacturers." There are several from smaller bodies of persons, and from individuals. The abstract of one may be quoted as giving, even in its compressed form, a specimen of the excellent tone which characterizes them. It is from twelve heads of families, consisting of seventy-two persons, weavers of the parish of Wencuck, near Warrington, Lancashire—

'Petitioners pray for assistance to emigrate to British America, as they are not able to maintain their families, although a small advance in wages has lately taken place; they are obliged to apply to the parish for relief, and are thus become burthensome, instead of useful, members of society; they state that whatever money may be expended to assist emigration, they will cheerfully repay in six or seven years, either in cash or produce of their farms.'

From Ireland, the petitions are numerous, but as they are principally on the part of individuals, they do not exhibit that aptness to unite and co-operate for a common purpose which gives so high a testimony to the intelligence of the Scotch artizans. An exception, however, must be noticed, viz. one from an emigration society in Belfast, consisting of two hundred heads of families, weavers. They state that upon the most accurate investigation, they find, that three fourths of the workmen make from 2*s.* to 4*s.* weekly, and one fourth from 4*s.* to 5*s.*; a few superior workmen, at a scarce kind of work which few can procure, make from 5*s.* to 6*s.* per week;—they go on to describe their extreme distress, and their hope that government may grant them the means to emigrate.

We know not, as indeed we have no means of knowing, accurately, how far the state of the working people in the manufacturing districts has altered for the better since last spring, when the above petitions were forwarded. There have certainly

not been any of those loud-speaking manifestations of an urgency of distress amounting almost to famine, which compel universal attention. But neither were there such, to those not immediately in the neighbourhood of the manufacturing districts, even at the time when the preceding evidence was given. The public papers have occasionally mentioned the improved prospects of particular towns, seeing that the manufactories have been getting into full work, affording the usual (before the great distress) complement of employment to the workmen. But the question is not whether there is what is vaguely called "sufficient employment," but whether the wages with which it is paid are sufficient, that is, sufficient to enable the workmen to live comfortably; unless these expressions are used, as they ought to be, as identical.

"The state of want and destitution," to repeat the words of Mr. Northhouse, "in which the working people existed, arose not so much from a less demand for their labour as from the inadequate payment of their labour." We are not informed of any increase of wages which has raised them much above the condition described in the previously-quoted passages. How often have there been notices in the public journals, of an improving state of manufacturing industry, and of an increasing demand for labour, on the eve of a sudden dismissal of hundreds and thousands of workmen—an event which, by plunging them at once into the extremity of distress, clearly proved that their previous wages had not been such as to enable them to provide against a period of diminished demand for their labour. Joseph Foster states that "it is eight or ten years past since the hand weavers were in a good situation."—p. 48.

To be brief; while there are thousands of men working constantly from fourteen to sixteen hours a day, and sometimes even eighteen hours, and who can only obtain the coarsest necessaries of life, and not always of these a sufficiency, while they are compelled to live in habitations little better than hovels or cellars, having no means of saving for the occasions of sickness, no time to instruct themselves, neither time nor means to instruct their children, it ought not to require the near approach of actual famine, to call forth all the energies of humanity in their behalf.

But what can humanity do for them? Behold the question at which so many have arrived, sanguine in their views of benevolence; which so many have left, baffled and desponding.

It may be right to say, that prudence is the only remedy for an excessive population. Let the people but be prudent, and they have the means of improving their condition in their own

hands. We believe that these precepts have begun to have some influence, and that they will ultimately produce more and more benefit: but it is perfectly certain that they have not hitherto been nearly effective enough to promise immediate relief; immediate even in an extended sense, as applied to the rising, or the following, generation. Those who hold as firmly as we do the truth of the moral progressiveness of human nature, will not despair at the greatest obstacles in the way of improvement. Yet is it a pardonable, perhaps a laudable, impatience, to desire to see some considerable advance made in our own day.

How few among those whom it most concerns have ever heard of the principle of population; how few of those who have heard of it, for example, in the manufacturing districts, admit its truth, or practise its precepts. That principle is too frequently put in the shape of an abstract and scientific result, when it might be exhibited as affording an obvious and striking rule of conduct. It is not enough that the language addressed to the labouring people is that of general exhortation; it is not enough that they are told as a class to exercise prudence in regard to marriage, in order to avoid overstocking the market for labour. Every one may think that his marriage taken singly will not overstock the labour-market, why, therefore, should *he* abstain? Rather let the admonition be personal, and point directly to the views and plans of every individual in domestic life. Address the question to each of them, whether his present wages or his future prospects warrant his undertaking the support of a wife. Each may answer, that he is prepared to dispense with half his usual comforts, if need be, for the sake of the society and the assistance of a wife. Urge then the next consequence; ask them, How they will provide for their children? Granted that they can procure food and clothing for them while they are infants, will they be able to find them employment when they are boys or young men?

Joseph Foster, to whose evidence we have already referred, states [p. 49], that "the wages which the artizan was then receiving at Glasgow, were not sufficient to procure a sufficient quantity of the coarsest food that is used by human beings." Yet he says, "I have a boy who has been weaving three or four years, and I have been two years looking out, and I cannot find an opening to put him in another trade, though I have equal influence with other working men."—p. 52.

Prove to each labourer, that, poor as he is already, there is yet a lower depth of wretchedness to which improvidence may force him to descend. If this is not made evident to his mind, to talk of the mischiefs of improvidence is to use language which conveys to him no ideas.

Few facts in the economy of human society are more clearly established than this, that the lower men are in the scale of indigence, the more reckless are they of consequences. The most intelligent evidence given before the Parliamentary Committees on the state of Ireland, and before the Emigration Committee, respecting the manufacturing districts of Great Britain, prove that wherever the people are poorest, improvident marriages are most frequent.

Mr. Northhouse states distinctly both the fact and the reason of it:—

'In proportion as people become more wretched, the population increases: I mean to say, that when men are reckless and desperate in their character, they do not look for improvement in their social condition, and they take the only enjoyment they have in their power, viz., sexual indulgence; they marry: hence, in the worst parts of Ireland and in Lancashire, population more rapidly increases than in places where the people are better off.'—p. 97.

This is an important truth, and cannot be too often repeated; that a certain degree of advancement in physical comfort, a clear separation from the confines of penury, is a necessary condition of that exercise of moral restraint, which is the only ultimate security for a more happy state of human society.

But where shall we find methods to accomplish this first step of placing our artizans in a situation to command some of the comforts of life,—methods of which the extensiveness shall not affect the source of their efficiency,—methods which, while they really attain their immediate object, likewise afford security against a recurrence of the necessity for their application?

A great attempt has been made to meet this question, by the now well-known scheme of the Emigration Committee.

The first merit of their last Report is, that, without compromise or limitation, it takes a general principle as its basis, viz., that the redundancy of the population, "meaning by the term *redundancy* a supply of able-bodied and active labourers, with their families, for whose labour there is no effective demand" [p. 1], is the origin of their indigent condition.

It admits another general principle not less important,—that, in order to render the removal of present redundancy effectual in raising the condition of the people, it is necessary to provide against its future recurrence. Whether the practical recommendations of the Report keep this principle always in view is another question, which we shall have occasion to notice presently. The Committee make two suggestions for what may be termed for shortness sake, *preventive measures:*

1. One in the shape of a quotation of the opinion of Mr. Cosway, a landed proprietor in the Weald of Kent, that

'It would be expedient to enact a law, allowing parishes to impose a tax on any future cottages to be built in each parish, the proceeds of such tax to merge in the general poor-rate of the parish. He is of opinion, that if there were a real demand for labour in such a parish, there would be no disposition on the part of the rate-payers to impose any tax on such cottages. On the contrary, if private speculation and individual interest contemplated the erection of cottages, for the mere purpose of obtaining rent from them, without any consideration of the real demand for labour, Mr. Cosway considers that the power of self-taxation, on the principles suggested by him, would interpose a convenient and salutary check.'

2. The Report points to the expediency of effecting a total alteration, or rather abolition, of one of the great constituent parts of our present system of Poor-laws, viz., the right of able-bodied men to claim a subsistence from their parish:—

'The House will find, that all the witnesses concur in opinion, that the greatest practical improvement of the Poor-rate system is involved in the discontinuance of relief to able-bodied paupers; and your Committee are of opinion, that such discontinuance will be rendered more *practicable* by the introduction of a system of regulated emigration, than by any other measure.'

They proceed to quote the Evidence of Mr. Malthus to that effect.

These passages contain the only propositions which the Committee has made, for preventing the redundancy to be removed by emigration, from being reproduced by propagation. We could have wished, therefore, that the entertainment of those propositions had been more distinctly sanctioned as essential to the very conception of a plan for permanent relief.

We attach so much importance to one of the preventive measures pointed out by the Committee, that, namely, which is designed to restrain the building of cottages where there is no increase of demand for labour, that we wish it were consistent with our limits to examine it in fuller development. To do this is essential to the determination of the merits of emigration from Great Britain, as distinguished from Ireland. But, while we have another object more immediately in view, we are afraid of discursiveness in the bordering field of the Poor-laws.

It may be here remarked, however, that the suggestion of Mr. Cosway, to restrain the building of habitations for labourers, seems to refer only to country parishes, and is, therefore, not nearly of sufficiently extensive application. Without doubt the restraining the growth of population in the country, will be of material benefit to the population of the towns. There will be a less resort of the former to compete with the latter in the different employments to be found in towns alone. In the event of a sud-

den diminution of demand for manufacturing labour, there will be more room for the dismissed workmen in those coarser employments, to which artizans can most easily turn their hands. But it appears, though more difficult, yet far from being impracticable, and, if not impracticable, in the highest degree expedient, to impose restraints on the undue increase of labourers' habitations, not only in country parishes, but also in towns, and in those warrens of pauper propagation, the outskirts of towns. Whether this regulation should be carried into effect by vesting a power of taxing all new habitations, in the rate-paying inhabitants of each parish, as proposed by Mr. Cosway, or by rendering the builders or landlords of such new habitations liable to the charge of maintaining those among their tenants who would otherwise come for relief to the parish, or by any other enactment, will be matter for after-discussion.

There is a consideration, of commanding importance, which urges the necessity of overcoming all obstacles of detail which stand in the way of this or some other equally powerful restraint on the progress of population. We have now to contend against not only the usual internal springs of improvident increase, but against one of extraneous origin, and of almost inexhaustible copiousness—namely, *the migration of Irish into Great Britain.* In a former number, we took occasion briefly to allude to this tremendous infliction upon the people of this country. The evidence contained in the volume before us, gives such a vivid description of its extent and of its rapid growth, that we shall not need to apologize for the length of our extracts.

'In point of fact,' says the Report, 'the numbers removing from Ireland to England have infinitely increased, and the character of the emigration has been changed, from one of labourers leaving their small farms and cottages, to which, after a temporary absence, they were in the habit of returning, into an emigration of vagrants, who have neither the ties of homes, nor the hope of obtaining provision, to induce them to go back; their only hope is, to obtain in England the means of subsistence, which they can effect in no other way than by displacing a certain proportion of the labouring English classes, in consequence of their competition. Dr. Elmore, an English medical gentleman, who has been a resident for twenty years in the South of Ireland, states that subscriptions are now actually in progress for removing paupers from Ireland to England, especially to Manchester, in bodies of about forty each, so that their arrival may not excite any particular jealousy. The details upon this subject will be found in his evidence given in answer to the questions numbered in the margin.' (4412, 4413)—p. 7.

The town thus especially burthened has been supposed to contain about thirty thousand Irish. These people added

greatly to the distress in that neighbourhood in the spring of 1826, and constituted a very considerable portion of the claimants on the funds collected for the purpose of charitable distribution at that time.

In Lancashire (according to the provisions of Mr. Sturges Bourne's Act [59th Geo. III, c. 12], which came into operation in 1820), enabling parishes to remove to Ireland any Irish pauper who may apply for relief, "the expense incurred by the county, in the year 1826, an expense for simply removing Irish paupers from Liverpool to Dublin, was 4,000*l.*" [*Vide* Evidence of William Hulton, esq. pp. 221, 222].—"That expense," the same witness states, "prevented the provisions of that act from being carried into effect." The expense incurred by the county of Lancaster on the same account, from the date of the passing of the act (for so we understand the very imperfect Abstract given in Appendix, No. 1, 2), down to 19th February, 1824, was only 532*l.* 2*s.* 10*d.* Thus it would appear that the expense of passing Irish paupers who had become a burthen on the poor-rates in that county amounted in the year 1826 alone, to upwards of seven times as much as during the whole four years, from 1820 to 1824.

The Bishop of Chester, who was an active member of the London Committee for the Relief of the manufacturing districts, was of opinion, that there were from sixty to seventy thousand Irish in the county of Lancaster.—p. 241.

To give an idea of the proportional increase of the destitute Irish in London during the last few years, we extract the following statements from the 9th Report of the Society for the Suppression of Mendicity.

'Their (the Irish poor, who have applied for relief to the Society) numbers during the last five years have been as follows:—

| | |
|---|---|
| In 1822 .. .. .. | 2,106 |
| 1823 .. .. .. | 2,636 |
| 1824 .. .. .. .. | 2,802 |
| 1825 .. .. .. | 1,990 |
| 1826 .. .. ... | 2,994 |

'It will be seen by this statement, that an increase of one thousand and four applicants of this kind has taken place in the last year, as compared with the year immediately preceding; and when it is considered that their number *has since continued rapidly to augment,** it will be perceived that the period has arrived for taking some decisive measures in respect of a class of poor which threatens so powerfully to affect the Society's operations.'

* Their numbers during 1827, up to May 31st, are 4,056.

In Appendix, No. 8, we find "A Return, showing the Increase of Irish Roman Catholics in London and its Vicinity." It states that the tabular list which follows is the result of the examination of the Registries of sixteen Roman Catholic chapels in London and its immediate vicinity.

| In the Year | Number of Baptisms. | Multiply by 30, Catholic Population. | Of which One-tenth English. | The rest principally Irish. |
|---|---|---|---|---|
| 1819..... | 2,646 | 79,380 | 7,938 | 71,442 |
| 1820..... | 2,778 | 83,340 | 8,334 | 75,006 |
| 1821..... | 2,876 | 86,280 | 8,628 | 77,652 |
| 1822..... | 3,191 | 95,730 | 9,573 | 86,157 |
| 1823..... | 3,440 | 103,200 | 10,320 | 92,880 |
| 1824..... | 3,847 | 115,410 | 11,541 | 103,869 |
| 1825..... | 4,131 | 123,930 | 12,393 | 111,537 |
| 1826..... | 4,437 | 133,110 | 13,311 | 119,799 |

The following extracts from the evidence of the witnesses from Scotland, describe at once the extent and the mischievousness of the Irish migration to that quarter.

Mr. Henry Home Drummond, a member of the House (for Stirlingshire), after having stated the distressed condition of the weavers in his county, and their desire to be furnished with the means of emigrating, is asked,

'Do you conceive that the gentlemen in your part of the country, would be willing to aid those persons emigrating?—A. I think very little assistance can be looked for from that quarter, they have made such great exertions already; and I believe there is a feeling that the advantage to themselves and to the country in which they live would be very small from an emigration of that description, for various reasons. *They would probably consider that the gap in the population would very soon be filled up from other quarters, and in particular by the influx of Irishmen in the Western part of Scotland, who are in fact driving the population of the country out of their employment by working at a cheaper rate.*'—p. 63.

Mr. Kennedy, member for Ayrshire, speaking with reference to certain weavers in his county, who had petitioned to be enabled to emigrate, says,

'If they were removed, and if there arose a comparative prosperity in the trade, there can be no doubt that the space created by their removal would be instantaneously filled up; . . . . . very possibly by

some of the native inhabitants resorting to a new trade becoming cotton-weavers, instead of following their present pursuits, which may not be profitable at the present time, all occupations being in a very depressed condition; *but, above all, the space would be instantaneously filled up, by the resort of Irish to that part of the country.*'—p. 60.

Mr. Alexander Campbell, sheriff substitute for Renfrewshire, and resident in Paisley, is asked,

'Do you concur in this observation—it is stated in a letter before the committee—"Without some change or modification of the law of parish-residence, I do not see that any effectual encouragement can be given to emigration. In the spring of 1820, we sent out a number of well-doing people to Canada, but their houses were filled with Irish; who, as two or three families are satisfied to accommodate themselves with a house which only held a single family before of the old population, and as the Irish women are possessed of greater fecundity than the Scotch, producing generally about one fourth more children than the latter, that is, their families counting six heads in place of five, we are infinitely worse off than ever. The Scotch operatives and labourers are taking the inroads made upon them by those people much to heart, and the emigrant societies look to the Irish as the cause of their not getting away to America, by their preventing the gentry from helping to pay for the expense of the emigrants, under the impression that the Irish will fill up the places of those whom they would otherwise assist to go to the British colonies:" do you concur in that reasoning?—I concur generally in that reasoning. *It must immediately strike any man upon whose property such a tax is proposed to be laid, to ask of what avail is that tax to be; is the recurrence of the emigration from Ireland, or other causes of distress to be prevented?*'—p. 189.

The deterioration of the Scotch population is thus described by the same witnesses.—Mr. Kennedy states,

'I am sorry to say, that within my memory there has unquestionably been a great deterioration of the character of our population; I ascribe it partly to the manufacturing occupation; and undoubtedly I do not think that the habits of many of the Irish that have come have been advantageous to our native population.'—p. 60.

Mr. Drummond gives evidence as follows:—

'Do you find the habit of industry of the Irish, and their moral conduct, to be very inferior to that of the native population of that description?—Upon the whole I certainly consider them to be very much inferior.

'Are they inferior in point of industry?—There are a number of the Irish who are certainly very remarkable for industrious habits; but we remark that there is a degree of unsteadiness about them, as compared with our own people; they will work hard for a time, but then a change takes place; a row or a fight occurs, and they cannot be depended upon for continuing in any settled habit of industry. Are

not those Irish, who are now displacing the Scotch labourers, content to live without those decent comforts, the want of which would shame a native Scotchman?—Yes.

'Have they been the means of introducing religious animosities and feuds into that part of the country?—I have not had any opportunity of observing that; but I know that there have been disturbances in Edinburgh within the last few years, which have been occasioned by the influx of Irish; they take place particularly on Sunday, a day on which the lower orders of the Scotch are not accustomed to any thing of that sort.'—p. 63.

Mr. Alexander Campbell is further examined on these important points—

'What food do they (the Irish emigrants) eat chiefly?—Potatoes, of course, and other cheap food; it is surprising how little they can do with. I am quite certain, from what I have seen with my own eyes, that some of them can do without any thing which deserves the name of furniture or bed clothes, and I suppose that the cheapest food will suffice them.

'When they are in full employment, do they live more like the people of the country, or do they still persevere in the same way?—They gradually assimilate to the people of the country, and they cause the people of the country in some degree to assimilate to them. They have no notions of that degree of expense which is essential to a Scotchman's comfort.—A Scotchman must be in a very degraded state who should not have decent clothes to appear at church on Sunday, or give his children education; but these things do not give much concern to the Irishman, at least for a considerable time.'—p. 191.

The committee have stated, in the strongest terms, the result of all this evidence;—that, unless timely measures be taken to arrest it,

'*The inevitable course of the spontaneous emigration of the Irish population is, to deluge Great Britain with poverty and wretchedness, and gradually, but certainly, to equalize the state of the English and Irish peasantry.*'—p. 7.

That the question which the legislature have to decide is,

'*Whether the wheat-fed population of Great Britain shall or shall not be supplanted by the potatoe-fed population of Ireland; whether Great Britain, in reference to the condition of her lower orders, shall or shall not progressively become what Ireland is at the present moment.*'—p. 7.

It needed the authority of a parliamentary committee to bring this melancholy prospect under the notice of the ruling classes, so little cognizant, and unhappily so little careful, of the great interests of the labouring people. The stirring appeal of their Report can hardly be read without emotion even by the most

thoughtless, the most apathetic. A flood of evils, hardly less wide-spreading and destructive than the consequences of barbarian conquest, is sweeping over our country—the degradation of our people by commixture with a foreign race, lower in intelligence, lower in habits of order and self restraint, lower in ideas of comfort and moral independence, lower, in short, in all the qualities which constitute civilized man. For who is there, not blinded by national prejudice, who does not perceive while he deplores the fact, that, owing to a long series of moral and political causes, the most injurious possible to the development of human nature, the Irish are what we have described them to be, compared with the inhabitants of this island?

Wisdom in its noblest form, benevolence in its widest sense, cannot have occasion more urgent for the display of their resources, than in throwing a barrier before the advance of this tremendous irruption. The country owes much to the Emigration Committee for having distinctly pointed out this as the first and most pressing difficulty against which they must contend who would undertake the grand design of elevating the people of Great Britain in the scale of human happiness. We, in common with the public, thank them that they have not despaired of the state of things with which they had to deal; that they have not been afraid to put forward plans for active interposition, which, whether adopted or not, might form the rallying points for discussion.

'The question of Emigration (says their report), as connected with Ireland, has been already decided by the population itself; and that which remains for the legislature to decide is, to what points emigration shall be directed, whether it shall be turned to the improvement of the North American colonies, or whether it shall be suffered and encouraged to take that which otherwise will be, and is, its inevitable course, to deluge Great Britain with poverty and wretchedness, and gradually but certainly to equalize the state of the English and Irish peasantry.'—p. 7.

Let these then be the alternatives placed before the legislature, and the nation. But let them be taken strictly as alternatives, without compromise, without modification; if one be admitted, the exclusion of the other must be the indispensable condition. If emigration to Canada is to be taken on the public charge, it must be the occasion of stopping the spontaneous emigration to Great Britain. Let that end be attained before all things. We insist on a guarantee, that Great Britain shall not suffer from Irish emigration to her own shores, while she is defraying the expense of Irish emigration to Canada. We say, "expense," although it has been one of the objects of the com-

mittee to prove that their scheme is so contrived as ultimately to defray its own charges. We had prepared some brief remarks on the evidence for their case, which, in order to avoid breaking the train of our more immediate inquiry, we insert in an abridged form in a note. It must be allowed on all hands, that there is some *risk* of a failure of repayment, and to the extent of our argument, risk is expense.*

* The committee have very properly taken much pains to obtain evidence as to the probability of the ultimate reimbursement of the expense of emigration, according to their scheme, (which it is not needful to recapitulate here). Mr. Wilmot Horton, to bring that evidence into a more distinct and definite shape, sent to each of the witnesses, personally acquainted with Canada, a list of queries relating solely to that object. The answers to these queries printed in the Appendix to the Report, express favourable anticipations with some confidence. We confess, however, that the matter of those answers does not inspire us with the same feeling. The improbability of reimbursement is inferred from four principal considerations. 1st, The general indisposition of colonial cultivators to pay any sort of direct contribution to the government in whatever shape disguised, rendering coercive, and, therefore, in so far expensive, methods of collection necessary. 2nd, The small amount of the proposed annual repayments, compared with the extent of the contributing country, increasing so much the proportional expense of collection. 3rd, The scale of the annual repayments; which spreads itself, in the words of the committee, "over a period of *only thirty* years," affording no sufficient guarantee, that in that long period, each revenue shall not be diverted from the purpose of replacing the national capital advanced, and implying the very questionable assumption that Canada will, till the end of that period, form a portion of the British dominions. 4th, The entirely irresponsible character of the Canadian government, which not only does not afford promise of the adoption of the cheapest possible method of collection, but almost ensures the misappropriation of the sums collected, upon any occurrence of financial difficulty, or extraordinary occasion, real or pretended, for expense.

These arguments rest on certain general and undisputed facts regarding the state of Canada: the answers of the witnesses deal only in particulars. Upon the question of the probable willingness or unwillingness of the settlers to pay the proposed annuity, they seem to argue from the punctuality of settlers in paying the interest on private loans, that there will be an equal sense of obligation, and an equal punctuality, in the discharge of debts due to the government. The fallacy of this inference, we have noticed on a former occasion. Thus much as to the *moral* security for repayment.

To the third query, respecting the *legal* security, most of the witnesses answer in substance with Captain Weatherley, "that a very simple document would hold a man responsible for a debt contracted by himself, in the furnishing [being furnished with] certain articles either by government, or any private individual." Without doubt the settler's bond for the amount advanced, or the simple withholding of the title deed of his land until such amount is repaid, will make him in a certain sense responsible. But the question still recurs, how is this responsibility to be *enforced*: or, in the language of the seventh query, "are you of opinion that any sort of

Any attempt to tax the people of Great Britain, to defray the charge of the emigration of the Irish, without such a guarantee,

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practical difficulty will be found in the levy of this interest, supposing such levy to be made under the directions of the governor?" Captain Weatherley's answer may again operate for those of the rest of the gentlemen examined, "None in the least, for the reasons assigned in my answer to the third query: and the laws of Upper Canada being those of England, with very few exceptions, caused by local circumstances." There is some difference, however, in the facility of enforcing legal process for non-payment of debts due to the state, in this country, and in the upper settlements of Canada. The *exchequering* of the whole or the greater part of the inhabitants of large districts, united by a common interest to resist the claims of the government, it is much more easy to talk of, than to execute.

"The laws of Upper Canada being those of England" are specially referred to by Captain Weatherley, and also by Mr. Felton, as likely to smooth all the obstacles in the way of the collection. Cheapness and expeditiousness are the chief requisites in a process for enforcing payment of dues, or securing the fulfilment of engagements. Cheapness and expeditiousness have not been usually the objects promoted by "the laws of England."

All the answers assume, that the Colonial Legislature will be forward to supply by local acts any defect in the applicability of the law as it stands to the purposes of the collection. We, however, are not so sanguine, that under the present political circumstances of Canada, its legislature will repose such confidence in its executive, as to arm it with extraordinary instruments of power and influence—instruments liable to be used for other purposes than those for which they were demanded.

The total expense of collection (supposing all other things to go on according to the anticipations of the committee), most of the witnesses agree in fixing at five per cent. For this guess (they would hardly themselves venture to call it any thing better) some assign grounds, some content themselves with a naked assumption.

Captain Marshall thinks, "merchants or store-keepers in that part of the country would be found, to make the collections, if *in money*, at five per cent."

Mr. Buchanan agrees with Captain Marshall, that "if the interest and instalments are to be received in cash, and stated periods of the year fixed for such payment, I apprehend the expense of collection would be about five to seven and a half per cent; but if received in produce, I would say ten or fifteen per cent; much will depend to what extent emigration may go."

Now the instalments, if paid at all, must, for want of adequate markets in the vicinity of the new settlements, be paid for the first few years in produce. When a system of storing is established, with all the accompanying opportunities for place-making and jobbing, most people will be apt to think, that ten to fifteen per cent upon the produce stored is a very low computation for charges.

If we were called upon to make a guess at the probable expenses of collection, we should fix them (looking always at the character of colonial government) at double the above estimates.

The probability of the separation of the two countries was of course not alluded to in the queries.

would be essentially unjust to our own distressed, but patient and orderly, artizans. It would be nothing less than to tell them, that, whatever degree of moral restraint they may have exercised, it has been useless, or worse than useless; that because they have not, as the Irish have, pushed improvidence to that utmost verge at which excess of population renders famine epidemical, and threatens the peace and security of the community, therefore their claims to relief are to be postponed to those of the latter.

On the other hand, it can as little be borne, that a portion of our own people should be sent away, merely to make room for the influx of a race less instructed in the arts and in the duties of life; less obedient to the ordinances of civilized society; less gifted with all the qualities which make the wealth, the power, and the safety, of a nation.

What guarantee, then, do we demand, that emigration from Ireland shall not fail of benefiting Great Britain?

One novel, but effectual, one, of that decisive character which, until a commanding necessity compels them to contemplate it calmly, many men will be apt to call violent: nothing less than the coercive repression of the Irish Immigration. Unaccompanied by such a guarantee, it has been demonstrated, over and over again, that emigration to Canada could never produce any effect that would justify the costliness of the experiment.

It seems possible to exclude the Irish on either of two general plans. Either indirectly, by restraining the building of new lodgings for labourers in every parish, as previously suggested; or directly, by preventing them from landing on our shores.

The latter is the most effectual, as it will much assist the application of the former to the restraint of the increase of our own people; and, as it will more certainly prevent capitalists from employing the Irish, which they might do under any system of building-regulation, wherever their interest was predominant in a parish.

A proposition of this decisive character—a proposition so totally removed from the ordinary calculation of statesmen, will probably be entertained at first with coldness, if it is not rejected with aversion.

We anticipate two sets of objections to it; the one economical, the other political.

Under the first head it will be urged, that it is contrary to the principle of free competition. Answer: The principle of free competition is a general term not for ends, but for means. Free competition is not a good in itself; it may be advantageous or injurious according to circumstances. The principle of free

competition in the production and interchange of commodities is a sound principle, because it tends to the advantage of the greatest number: the principle of free competition in labour is a false principle, because it tends to the injury of the greatest number.

Some will contend, that to prohibit the introduction of Irish, is analogous to prohibiting the introduction of new machinery. Answer: to prohibit the introduction of new machines is to prohibit new methods of saving labour: to prohibit the introduction of foreign labourers is not to cause more labour to be required, but to cause the native labourers to be better paid for their labour.

Others, considering the question in a *political* point of view, may consider that the Union of Great Britain and Ireland constitutes the latter as much an integral portion of the former as Yorkshire or the Lothians, and that, if an enactment to limit transmigration were applied to the island-province, it might equally be applied to the inland-county, whenever its paupers were spreading over the neighbouring country. We cannot think, however, that it is necessary to make a display of proof that the circumstances, moral and geographical, of the union of Ireland with Great Britain, do not constitute Ireland as completely an integral portion of the empire as a section of the reigning country itself, even if there were no differences in manners, habits, and civilization. Nor by admitting the principle of exclusion are we bound, in consistency, to isolate Yorkshire, or any part of the Lowlands of Scotland, when its population should appear to be in excess, and overflowing to its neighbours. In the latter case, the measure would, even if expedient for the reason stated, be, for other obvious reasons, morally impossible. If, in the former case, it is not actually impossible, in the ordinary political and moral acceptation of that term, a sufficient distinction is drawn.

So much for the principle; but, for one person who takes exception to that, there will be ten prepared to dispute its practical application. We cannot, nor would it be worth while if we could, anticipate all the forms in which obstacles of detail would present themselves to various minds. It is not, perhaps, too much to assume, that, with any tolerable vigilance on the part of the civil authorities, having the whole population not against them but with them, evasion of any regulations rationally adapted to the purpose, would be, to any extent worth mentioning, in the highest degree improbable. It might appear difficult, at first, to take a clear distinction between the class whose exclusion is desirable, and those whom it is not intended to hinder; but to those who are convinced in good faith of the importance of the measure, the difficulty will not

appear great. For what innumerable purposes of law, revenue, commerce, political or civil regulation, are distinctions much less broad, much more refined, taken—and taken with rapidity and precision? Is this a case of so little importance that the obstacles (if existing) should be less vigorously surmounted?

The most obvious of the means which suggest themselves for putting the proposed measure into execution is, to require a certificate, signed by the proper authorities, from every Irishman landing in England, stating his profession, and the purpose of his visit, so far only tha tit is not to gain his living by manual labour. All those who were not furnished with such certificate should be prohibited from landing. A false certificate, proved to be so by the fact of the bearer's working in this country for hire, would, of course, be visited with a sufficient penalty. To those whose objects are other than the exercise of manual labour, the required formality would occasion no more hindrance or inconvenience than a common passport; surely not one hundredth part so much as that to which our revenue system subjects every passenger in a packet-boat from France.

Although this scheme of regulation, if no other could be found to answer its object, might be speedily and effectually enforced under a tolerably vigorous administration, yet it is not to be denied, that it would be, to a certain degree, operose and inconvenient in detail, and would, at all events, come in collision, in the harshest manner, with the feelings of the Irish.

The same end might be attained by an indirect method, as effectually, and more simply; viz. by imposing a tax of so much per head, say 5*l.*, on every passenger landing from Ireland, to be levied on the master or owner of the vessel bringing the passenger over. This would, of course, be, in effect, equivalent to levying the tax on the passengers, while it would avoid the apparent severity of claiming such a sum from the poor people themselves. No captains of ships would take an Irish passenger to England without being paid 5*l.* in addition to his passage-money.

With a view of avoiding still more completely the appearance of hostility towards theI rish, it might, perhaps, be expedient to levy the tax as a security to prevent Immigrants from becoming chargeable on the poor-rates of British parishes. This security might remain in deposit in the Custom-house of the port of landing, to be repaid to the depositor upon re-embarking for Ireland, without having, in the mean time, become chargeable on a British parish. If, however, he has, in the mean time, claimed relief of any British parish, the deposit may very easily be made applicable to repay the expense, both of his temporary

maintenance, and of passing him back to Ireland under Mr. Sturges Bourne's Act.

Such a plan would entirely obviate the hindrance which might otherwise be apprehended by persons, not labourers, coming over from Ireland. For the being required to deposit 5*l.*, to be reclaimed as above suggested, is an inconvenience to any person in the middle classes really not worth mentioning when an important national benefit is in question.

The regulation here proposed appears to combine the three principal requisites: 1st. Of placing in the way of Irish labourers coming over to throw their labour on the British market, an obstacle which, to the great majority of them, will be insurmountable: 2nd. Of putting this obstacle into the least offensive shape: 3rd. Of excepting from its practical operation, by a very simple and little burthensome form, the classes whom it is not desirable to exclude. We are not disposed to expend more time, at present, upon the arrangement of the details, before the principle of Exclusion in itself is clearly established.*

We subscribe, then, to the expediency of emigration from Ireland, as a temporary political measure, and not upon the essential merits of the scheme itself; not believing that its remedial power can contend with the principle of human increase brought into its fullest action by the unrestricted passions of a rude people, and maintained at that pitch by the misapplied morality which ranks matrimonial improvidence as, at least a venial fault, if not a virtue. Such a measure is acceptable to us only as it presents the means of preserving the labouring classes of Great Britain from the ruinous competition of the Irish, while the melancholy desperation which confinement

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* The progressive augmentation of poor-rates, which the migration of the Irish occasions in the West of Scotland, has forcibly drawn the attention of the rate-payers of that district to the subject.—"By the Scotch law of settlement, any man who has his residence for three years in any Scottish parish, will thereby acquire a legal settlement, unless he or some of his family have had recourse to begging for their support, or have been wholly or partially supported by charity during the course of those three years."—*Vide* Evidence of A. Campbell, esq. p. 190.

Mr. Campbell mentions a regulation "which has been talked of, requiring of the masters of steam-boats, and other vessels, navigating between the few ports that are on the contiguous coasts of Britain and Ireland, to take some parish certificate, or passport, from persons applying for passage to Scotland, bearing that they are not beggars or vagrants, but persons who have been accustomed to earn their own subsistence."—p. 197.

The intention of the Scotch gentry is only to avoid a tax on themselves—ours to prevent the degradation of the people; as means, the principle of exclusion is contemplated by both; but with respect to ends, of how much more importance is ours!

within the bounds of their own over-peopled island would otherwise bring upon the latter, will be moderated by opening another channel for the partial egress of their starving multitudes.

But if the arguments in favour of an actual prohibition of the Irish migration should not outweigh, in the public mind, the apprehensions of its political consequences, we must once more turn our eyes to the enormous extent of that mischief, and cast about for some other barrier to oppose to it.

For some time past, it has not only been the ordinary overflowing of Irish propagation which has been poured into this country. An aggravating cause is in extensive operation; viz.: the dispossession of the small tenantry. This is a difficult process: compassion will retard it in some instances, fear in many more; but the work will still go on. Slowly perhaps, but surely, the interests of the powerful few will prevail against the resistance of disunited numbers. Among its consequences, some will doubtless be ultimately beneficial to Ireland—but we are now viewing it, not in relation to Ireland, but to England. Its injurious effect, as regards the latter is obvious: a great part of the ejected population is driven into this country. We have seen by the preceding extracts of the Evidence before the Emigration Committee, how rapidly the transfusion takes place.

Under these circumstances, it becomes matter for grave consideration how far the Irish landlords are justified in inflicting so enormous an evil upon this country. This is not a question to be settled by a short appeal to the usual standard of proprietary rights, but one to be referred to the first principles of the social union, by which those rights are at once sanctioned and limited.

The landlords of Ireland form a class of men who, for a century and a half, to go no further back, have wielded, according to their own pleasure, the whole force of the government of their country; a class of men, who, not as legislators only, but as proprietors of the soil, have had the power of immediately controlling the customs and practices of land tenure. Is it just that these men should, for so long a period, sanction, and after they had ceased to sanction, permit, through indolence or inattention, the continuance of the ancient practices of land-holding and land-inheriting, and then suddenly retrace their steps and turn their tenants by thousands out of their houses; thus, by the very numbers ejected, choking at once all the possible channels in which the unfortunate people might have found some other trade or employment? But the question does not regard only the immediate objects of the ejecting system (we do not use the phrase invidiously, but merely for

brief designation): indeed, so far as regards the conduct of the landlords, considered as towards their tenants alone, much might be said to extenuate, if not to justify it. The people may be too rude to listen to injunctions against sub-letting and sub-dividing inheritances of leases; they may be too bigotted in their attachment to their old customs to quit them but on compulsion. In some instances, they may inhabit the land so thickly as to consume all that they produce, without leaving any thing for rent. These reasons may justify the general plan of reducing the number of agricultural tenants, though not the mode of turning them off nearly or wholly destitute. But we repeat, this is not a question relating only to the Irish peasantry; it concerns most deeply the people of this country. Shoals of destitute human beings are driven first to the towns in Ireland, and thence pass on either with the remnant of their own means, or assisted by subscriptions [*Vide* the previously-quoted Evidence of Dr. Elmore], to England.

We have seen already, how this migration injures the lower classes of this country: but they are not alone affected by it. Destitution, famine, and disease, are poured into the towns of Great Britain, to tax the compassion of the middle classes, and to swell the previous burthens on their income, by throwing a larger number of their own labourers on the poor-rates;—of the middle classes, be it remarked, who having had no warning of the approaching evil, could take no steps to meet it; who, having no power to control its cause, are not assisted by experience to prevent its recurrence. Yet the burthen of relief falls almost entirely on them. For, in the present state of society, it cannot be borne that human beings should perish on the high road, or in the streets. It is not now a question whether the acknowledged humanity of the middle classes is always well-directed. It admits of great doubt, whether any objection founded on the allegation that charity encourages improvidence, is valid against the expediency of preventing the extremities of destitution. Society has forces, other than the actual fear of starvation, to control and direct the actions of its members; and such it is incumbent on it to try before it gives free course to physical necessity. Motives applied to the moral part of men's nature may raise them from a state of brutal debasement: the present fear of starvation has usually the directly opposite tendency.

The question, then, now proposed for consideration is, whether it is not expedient on the first principles of the social union, that the state should throw back on the Irish landlords, if not the whole, certainly a large part of the charge, which their acts

have brought, and which their acts may otherwise continue to bring, upon the rest of the community? Our opinion, on the grounds already stated, is in the affirmative. We are aware, when we speak of the landlords as having produced the evils, the charge of remedying which, we propose to throw upon them, that we may seem to attribute personal identity to the class, and to forget that those who are now landlords are very different individuals from those who were landlords fifty years ago. If we proposed to *punish* the present generation of landlords for the sins of a former generation, the objection would apply; but our only purpose is, as the burthen of preserving the ejected peasantry from absolute starvation must fall somewhere, to throw it on those who have had *some* share in producing the evil, rather than on those who have had none; rather on the landlords who have *some* power to diminish the recurrence of the evil, than on the middle classes who have none.

The question, as above stated, appears to be nearly connected with that of the expediency of a compulsory maintenance for the poor; we think, however, that the two are not entirely identical.

The institution of a compulsory maintenance for the poor in Ireland, we have thought more likely to inflict uncompensated evil on the easy-circumstanced classes than to do good to the poor. Its operation, in the absence of moral or legal checks to propagation, has appeared to us calculated to extend the number to be relieved, and at the same time to diminish the revenues which are to relieve them. When those who pay for a compulsory maintenance have the power to control, or at least to limit the increase of those who are so maintained, we fully admit, that the effects of such an institution, direct and indirect, have been not only not injurious, but decidedly beneficial, to the lower people. We are not satisfied, however, that the landlords have control adequate for the purpose. The power of a landlord over the people on his estate is, without question, very extensive; but, in the present moral and political circumstances of Ireland, before he could acquire sufficient authority to counteract the deep-rooted habits of the people in regard to marriage, the consumption of a large part of his rent in common seasons, and perhaps nearly the whole in seasons of a short potatoe-crop, would be risked, without having placed the peasantry in a permanently better condition; unless, indeed, he were to resort to a more extensive system of ejectments, and thus produce the very evil which it is desired to remedy.*

* We are not disposed, however, to deny that we did not make allowance enough in a former Number for the arguments in favour of the intro-

But although we see as yet no sufficient grounds to risk the sacrifice which might attend the institution of a compulsory maintenance for the poor in Ireland, we still object to the turning loose upon society thousands of destitute people who are to be fed partly by a tax on the charity of the public, and partly by wages earned in competition with, and to the prejudice of, the laborious classes of this country.

There seems to be no method so fit to escape from this choice of difficulties, on the one hand, of pouring the ejected Irish tenantry into this country to depress the condition of our working people; and, on the other, of sacrificing the incomes of the easy-circumstanced classes in Ireland, to the support of unregulated propagation—as to compel the Irish landlords to pay the expense of removing from the country every tenant whom they may eject. We say, only the expense of removing him from the country, because, to compel them to defray the whole charge of his emigration, including location on the other side, according to the plan of the Committee, would be to impose a heavier burthen on their incomes than most of them could bear, and might put a serious obstacle in the way of any improvement upon the old system of small farms and cottier tenants. Let them, therefore, be called upon to pay the simple charge of exportation. This would give them a sufficient motive to use their influence to check the multiplication of their tenantry, while it would prevent them from consulting their own advantage, to the detriment of the community.

If this should be judged to be expedient, in other respects, there ought to be no question about obtaining the consent of the Irish landlords themselves, as the Committee have been so earnestly bent upon doing. One of the points which have been most clearly established by the Evidence which they have collected (if it had not been certain enough without that evidence) is, that the Irish landlords as a body, although they are quite aware of the benefits which will accrue to them from emigration if carried into effect at the expense of the state, will not voluntarily contribute any thing towards it out of their own funds.

We know that this partial emigration to Canada would not be alone sufficient to stop the Emigration to Great Britain. We have never supposed that the ejected peasantry constituted the whole, or the greater part of the Irish who come over to this

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duction of Poor Laws into Ireland. We can conceive an alteration in the political, and consequently in the moral, condition of the Irish people, which would materially alter the bearings of that question.

country. The excessive increase of the settled population will still be poured forth in great numbers. Exclusion is the only remedy. Upon the supposition that this will not be adopted, we have suggested a palliative.

While we maintain the policy (policy in the largest sense as including equity) of preventing the Irish landlords from throwing on the public the charge of supporting those persons whom they have, if not called, at least permitted to be called, into existence, it will be asked, do we except other classes who have acted in like manner, from the operation of the like penalty; for instance, manufacturers who have first afforded a bounty upon the congregation and propagation of artizans in a particular neighbourhood, and then by changing their local situation, or adding to their machinery, throw them out of work and leave them to subsist by a tax on the income of the surrounding neighbourhood, or on the charity of the country at large? Certainly we should make no such exception; though the present is not the occasion for a development of all that relates to the subject.

Most of these questions may be ultimately resolved into this fundamental one. Upon the supposition, that the humanity of a civilized country will not suffer any of its inhabitants to perish from actual want, on whom ought the burthen of maintaining the destitute to be thrown? On those persons and bodies of persons who have the power, and whom that burthen may induce to exert the power to a certain extent, to counteract the cause of its imposition; or on the public at large, who have no such power? At present, it is the public which supports it by parliamentary grants, general subscriptions, contributions to relieve particular neighbourhoods, and especially by poor-rates in towns, where comparatively few persons have contributed any thing to the existence of distress. The intention of parochial assessments, instead of a general tax, for the support of the poor, is so far good; our views go to apply the same reasoning, in certain cases, to an assessment on individuals or classes of individuals.

The principle here brought forward does not necessarily imply that all tradesmen ought to be compelled to support their journeymen; or merchants and bankers to support their clerks, whenever they should have occasion to dismiss them, and the persons dismissed chose to say that they were unable to find another employment. There appears, at the first glance, to be some difficulty in the way of drawing an accurate distinction between those who are apt to inflict a great evil on society, by congregating and then suddenly dismissing a great number of work-

men, and those whose proceedings in regard to the persons whom they may employ or dismiss are matter of too little moment to the public to justify attaching to them any new pecuniary liability. But the difficulty is more apparent than real;—it is only requisite at present to designate the direction in which the desired line might be drawn.

The class to which the proposed liability should attach might consist of those capitalists in whose employment a certain additional number of artizans have been engaged after a certain date (in order to avoid a retrospective operation),—or, to put it in another form, those whose workmen have inhabited a certain number of houses or floors of houses built after a certain date. This regulation would be nearly similar in principle to that which has been already suggested for restraining the erection of new cottages or other habitations for labourers, by vesting a power in each parish, with certain provisions, to tax the landlords or builders, or to impose upon them the liability to the whole increase of poor-rates occasioned by the increase of the number of such buildings.

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ART. VII.—1. *Elements of Logic. Comprising the Substance of the Article in the Encyclopædia Metropolitana, with additions, &c.* By Richard Whately, D. D., Principal of St. Alban's Hall, and late Fellow of Oriel College, Oxford. London. Mawman. 1826.
2. *The Second Edition of the same.* 1827.

"A very slow progress towards popularity," says Dr. Whately in his Preface, "is the utmost that can be expected for such a treatise as I have endeavoured to make the present." In these times, in which the very thought of writing for posterity seems to be abandoned—in which immediate reputation and immediate profit appear to be the sole ends of authorship, instead of usefulness and permanent fame; this readiness on the part of an author to wait for popularity, is of itself a title to praise.

We believe, however, that even the immediate success of Dr. Whately's work has exceeded the anticipations which the author, judging from the strong prejudices it had to encounter, deemed himself entitled to form. Nor is this surprising. We have long been convinced, that the time was come when a work containing a clear exposition of the principles of the Syllogistic Logic, and vindicating it against the contemptuous sarcasms of some modern metaphysicians, might make its appearance with almost a certainty of success. The authority of the Scotch

philosophers (as Dr. Reid and his followers are termed), whose writings have been for the last fifty years the great stronghold of the enemies of Logic, has been for some time on the decline; and has at last fallen so low, that nothing, save the non-appearance of any worthy antagonist in the field of controversy, enables them to maintain any ground in public estimation. And there are various signs apparent to keen observers, shewing that a reaction has commenced in favour of what is really valuable in the ancient philosophy, and that the time when the whole of it could be dismissed with indiscriminate contempt, is at an end. Logic, as it is by far the most important branch of that philosophy, is accordingly recovering its proper rank the most rapidly; but such a work as that of Dr. Whately was still required, to direct, as well as stimulate, the study of that invaluable science, in the cultivation of which we believe it is very generally felt to have already constituted an æra.

Were we, however, required to state precisely wherein we think that the merit of Dr. Whately more peculiarly consists, we should say of him (what has been said of another writer, and on another subject), that he has rather written excellently *concerning* logic, than expounded in the best possible manner the science itself. His vindication of the utility of logic is conclusive: his explanation of its distinguishing character and peculiar objects, of the purposes to which it is and is not applicable, and the mode of its application, leave scarcely any thing to be desired: on incidental topics his observations are generally just, and not unfrequently original; but, considering his work as what it professes to be, an exposition of the Elements of Logic, it is impossible not to wish that it had contained a clearer explanation, and a fuller development, of several very important topics. We trust that it may be permitted to us to say thus much, without incurring the imputation of being wanting in deference to an author whom we so highly esteem. The whole tenor of our observations will, we hope, protect us from the suspicion of not setting a sufficiently high value upon this important contribution to philosophy, and will sufficiently distinguish us from those carping critics, who, while they freely allow to an author in generals, all the merit he can claim, shew by their whole tone and manner when they descend to particulars, that the most trifling defect has occupied a larger place in their thoughts than all the excellencies which they have so liberally conceded to him. If we hazard any suggestions for the improvement of the work, they are offered rather to the author himself than to the public. If we make any observations tending to shew what Dr. Whately has *failed* of doing, they will

be such as we cannot expect to be even understood by any who have not gone through all the processes of thought necessary for completely mastering, and perfectly appreciating, the whole of what he has *done*. If we presume to judge the author's ideas, we are willing to take him for the judge of ours; and we shall be more than satisfied if he should derive one hundredth part of the instruction from our criticism, which we have received from his work. L.

Before we enter into a minute examination of Dr. Whately's book, we shall premise a few remarks on the importance of Logic, and the causes which may account for the little cultivation of that branch of knowledge in modern times. It will be seen, that in these observations we have borrowed largely from our author, although our ideas have not flowed precisely in the same channel with his.

Dr. Whately establishes in his preface the utility of the syllogistic philosophy, by the following argument *à priori*:—

'If it were inquired what is to be regarded as the most appropriate intellectual occupation of MAN, *as* man, what would be the answer? The statesman is engaged with political affairs; the soldier with military; the mathematician with the properties of numbers and magnitudes; the merchant with commercial concerns, &c.; but in what are all and each of these employed? Evidently in *Reasoning*. They are all occupied in deducing, well or ill, conclusions from premises, each concerning the subject of his own particular business. If, therefore, it be found that the process going on daily in each of so many different minds is, in any respect, the *same*, and if the principles on which it is conducted can be reduced to a regular system, and if rules can be deduced from that system for the better conducting of the process, then, it can hardly be denied that such a system and such rules must be especially worthy the attention, not of the members of this or that profession merely, but of every one who is desirous of possessing a cultivated mind. To understand the theory of that which is the appropriate intellectual occupation of man in general, and to learn to do that *well*, which every one will and must do, whether well or ill, may surely be considered as an essential part of a liberal education.' —pp. x. xi.

But, unfortunately for logic, men do not commonly form their opinion of the utility of any branch of knowledge, from such general considerations. They judge of its value chiefly from the need which they find of it, as measured by the disadvantages which they feel themselves to labour under from ignorance of it. But it is a peculiarity of logic, that it is impossible any man should ever discover its utility in this way, since the benefit which it affords consists in being freed from a defect, which no man who possesses it ever knows that he

possesses. Every man knows what he loses by being ignorant of astronomy, because he feels his inability to determine a latitude, or foretel an eclipse. Men in general are perfectly well aware that they cannot do these things, and consequently no one ever doubted that there was a science of astronomy; just as no man can possibly doubt the necessity of a rule for extracting the cube-root, because no man can persuade himself that he knows how to extract the cube-root when he does not. But men may easily persuade themselves that they are able to reason although they are not; because the faculty which they want, is that by which alone they could detect the want of it. The proof, *à posteriori*, of a man's inability to reason, would be, that he is deceived by inconclusive arguments; and this may be evidence to *others* that he stands in need of logic, but it can be no evidence to *him*. Hence it is, that they who are ignorant of logic, never can be made, by any efforts, to comprehend its utility. They either reason correctly without it, or they do not: if they do, they are in no need of it; and as for those who reason incorrectly for want of it, *they* never find out their deficiency until it is removed.

It is not wonderful, therefore, that the doctrine of the syllogism should number among its detractors all who are ignorant of it. But to these must, we are sorry to say, be added, some who are, and many more who fancy themselves, acquainted with it.

The impugners of the school logic, as they term it, may be divided into two classes. The first class consists of men not untinctured with philosophy, including even some writers of considerable eminence in the science of mind; men who are more or less acquainted with the principles of the system, so far at least as to have a general, though often by no means an accurate, conception of its nature and object. These, being persons of cultivated and inquiring minds, who have known what it is to doubt, and to discover themselves in error, and have learned not to repose an unlimited confidence in the unassisted powers of their own minds, are in general sufficiently impressed with the utility of *rules* to direct the mind in the investigation of truth. They object to the rules of the syllogistic logic as not effecting that end; they maintain, not that logic is useless, but that the doctrine of the syllogism is not logic; and they talk in high-flown language, not always conveying very precise ideas, of a supposed system of *inductive* logic, which is to supersede the syllogistic, and really to accomplish still more than the other even attempts.

It is against the objections of these philosophers, that our

author's defence of the Aristotelian logic is mainly directed. We apprehend, however, that they are chiefly formidable, by the countenance which they afford to another and a much larger class of the enemies of the science. This second class consists of those who are entirely ignorant of it, and consequently do not reject it under the idea that the rules which it gives are not the best possible, but that no rules, for any such purpose, are necessary at all. If these persons were to observe carefully, and state candidly, what passes in their minds when they bring in their verdict of inutility against the syllogistic system, their account of their own train of ideas would probably amount to this—that it is impossible a knowledge of logic can be of any use, seeing that they themselves do so well without it; nor could they ever perceive that the men who had studied logic reasoned better than their neighbours:—forgetting, that in the very supposition of the utility of logic it is implied that they themselves, who have not studied it, are not, in all cases, *competent judges* of good reasoning; forgetting, too, that in nine cases out of ten, the evidence on which they pronounce either a logician or another man guilty of bad reasoning is the nonconformity of his conclusions with theirs; which is, to say the least, just as likely to be the effect of bad reasoning on their side, as on his.

The following excellent passage from Dr. Whately's preface is addressed particularly to this class of the impugners of logic, and may be read by them with great profit:—

'Many who allow the use of systematic principles in other things are accustomed to cry up Common-Sense as the sufficient and only safe guide in Reasoning. Now by Common-Sense is meant, I apprehend (when the term is used with any distinct meaning), an exercise of the judgment unaided by any Art or system of rules; such as we must necessarily employ in numberless cases of daily occurrence; in which, having no established principles to guide us, no line of procedure, as it were, distinctly chalked out, we must needs act on the best extemporaneous conjectures we can form. He who is eminently skilful in doing this, is said to possess a superior degree of Common-Sense. But that Common-Sense is only our *second-best* guide—that the rules of Art, if judiciously framed, are always desirable when they can be had, is an assertion, for the truth of which I may appeal to the testimony of Mankind in general; which is so much the more valuable, inasmuch as it may be accounted the testimony of adversaries. For the generality have a strong predilection in favour of Common-Sense, except in those points in which they respectively possess the knowledge of a system of rules; but in these points they deride any one who trusts to unaided Common-Sense. A sailor, *e. g.* will perhaps despise the pretensions of medical men, and prefer treat-

ing a disease by Common-Sense; but he would ridicule the proposal of navigating a ship by Common-Sense, without regard to the maxims of nautical art. A physician, again, will, perhaps, contemn Systems of Political Economy, of Logic, or Metaphysics, and insist on the superior wisdom of trusting to Common-Sense in such matters; but he never would approve of trusting to Common-Sense in the treatment of diseases. Neither, again, would the architect recommend a reliance on Common-Sense alone in building, nor the musician in music, to the neglect of those systems of rules, which, in their respective arts, have been deduced from scientific reasoning aided by experience. And the Induction might be extended to every department of practice. Since, therefore, each gives the preference to unassisted Common-Sense only in those cases where he himself has nothing else to trust to, and invariably resorts to the rules of art wherever he possesses the knowledge of them, it is plain that mankind universally bear their testimony, though unconsciously and often unwillingly, to the preferableness of systematic knowledge to conjectural judgments.'—pp. xii—xiv.

Upon the other and more philosophical class of objectors, Dr. Whately's attacks are far more frequent; indeed, a running fire is kept up with them through the whole of the work. We shall indulge ourselves with one quotation, which admits of a more easy separation from the context than any of the numerous other passages of a similar tendency. It occurs near the beginning of the work, and abounds in instructive observations with regard to the nature and objects of the science:—

'Logic has usually been considered by these objectors as professing to furnish a *peculiar* method of reasoning, instead of a method of analyzing that mental process which must *invariably* take place in all correct reasoning: and accordingly they have contrasted the ordinary mode of reasoning with the syllogistic, and have brought forward with an air of triumph the argumentative skill of many who never learned the system; a mistake no less gross than if any one should regard Grammar as a peculiar Language, and should contend against its utility, on the ground that many speak correctly who never studied the principles of Grammar. For Logic, which is, as it were, the Grammar of Reasoning, does not bring forward the regular syllogism as a distinct mode of argumentation, designed to be substituted for any other mode; but as the form to which *all* correct reasoning may be ultimately reduced; and which, consequently, serves the purpose (when we are employing Logic as an *art*) of a test to try the validity of any argument; in the same manner as by chemical analysis we develope and submit to a distinct examination the elements of which any compound body is composed, and are thus enabled to detect any latent sophistication and impurity.

'Complaints have also been made, that logic leaves untouched the greatest difficulties, and those which are the sources of the chief errors in reasoning; viz. the ambiguity, or indistinctness of Terms, and the

doubts respecting the degrees of evidence in various Propositions: an objection which is not to be removed by any such attempt as that of Watts, to lay down "rules for forming clear ideas, and for guiding the judgment;" but by replying that no art is to be censured for not teaching more than falls within its province, and indeed more than can be taught by any conceivable art. Such a system of universal knowledge as should instruct us in the full meaning or meanings of every term, and the truth or falsity—certainty or uncertainty—of every proposition, thus superseding all other studies, it is most unphilosophical to expect, or even to imagine. And to find fault with Logic for not performing this, is as if one should object to the science of Optics for not giving sight to the blind; or as if (like the man of whom Warburton tells a story in his *Div. Leg.*) one should complain of a reading-glass for being of no service to a person who had never learned to read.

'In fact, the difficulties and errors above alluded to are *not* in the process of Reasoning itself (which alone is the appropriate province of logic) but in the subject-matter about which it is employed. This process will have been correctly conducted if it have conformed to the logical rules, which preclude the possibility of any error creeping in *between* the principles from which we are arguing, and the conclusions we deduce from them. But still that conclusion may be false, if the principles we start from are so. In like manner, no arithmetical skill will secure a correct result to a calculation, unless the data are correct from which we calculate: nor does any one, on that account, undervalue Arithmetic; and yet the objection against logic rests on no better foundation.

'There is, in fact, a striking analogy in this respect between the two sciences. All numbers (which are the subject of arithmetic) must be numbers *of some things*, whether coins, persons, measures, or any thing else; but to introduce into the science any notice of the *things* respecting which calculations are made, would be evidently irrelevant, and would destroy its scientific character: we proceed therefore with arbitrary signs respecting numbers in the abstract. So, also, does Logic pronounce on the validity of a regularly-constructed argument, equally well, though arbitrary symbols may have been substituted for the terms; and, consequently, without any regard to the things signified by those terms. And the possibility of doing this (though the employment of such arbitrary symbols has been absurdly objected to, even by writers who understood not only Arithmetic but Algebra) is a proof of the strictly scientific character of the system.'—pp. 11—14.

In the second paragraph of this passage, otherwise so remarkable both for precision of thought and felicity of illustration, Dr. Whately hardly does justice to the science of which he has constituted himself the defender. He says, with truth, that it is most unreasonable to quarrel with logic for not instructing us in the meaning of every term, and the truth or falsity, certainty or uncertainty, of every proposition which we have

occasion to employ in our reasonings, since this is, in each case, the business of the particular science to which the subject-matter of the argument belongs, and is much more than can possibly be effected by any single science. But this remark, though just, scarcely conveys an adequate idea of the extreme futility of the objection, since the fact is, that the syllogistic logic really *does* all that *can* be done by any one science, towards the above end; inasmuch as the analysis, to which it subjects every process of reasoning, affords the readiest and the most certain means by which a latent ambiguity in any of the terms employed, or the tacit assumption of any false or doubtful proposition, can be detected. Common observation verifies this fact; since the appellation of an expert logician seems, by the usage of language, peculiarly appropriated to those who are thought to be eminently skilful in the detection of such fallacies; which seems to shew that mankind in general have observed (what indeed is easy enough of observation), that they who have studied logic, and who are familiar with its practical application, are less liable than other men to be imposed upon by an assumption or an ambiguity.

With regard to those who maintain, that to perform the logical analysis of an argument, in the manner pointed out by the doctrine of the syllogism, is not the best means of discovering whether it contain a flaw; it may fairly be demanded of them, first, whether they imagine, that, when an argument is inconclusive, its inconclusiveness is always apparent at the first glance? When they answer, as they must necessarily do, that it is not (because otherwise people could never be deceived by inconclusive arguments), and that the fallacy is often visible only upon a close inspection, it will be proper to ask them, whether they intend that it should be inspected in the lump, or piecemeal;—all at once, or step by step, beginning with the first step, and proceeding onward to the last? We imagine there is no one who would not reply, that this last mode comes nearest to his idea of a close inspection. It seems then that even according to the objectors, an *analysis* of the argument is requisite, in order to try its validity; but that for the performance of this analysis, *common-sense,* as they term it, is sufficient. Let us however press these disputants a step further, and ask them in what manner *common-sense* proceeds to analyse an argument, in order to form a judgment whether it is sound or fallacious. If they had any distinct ideas on the subject, they would probably answer, that it proceeds by first *separating the propositions which contribute to the establishment of the conclusion* (in common language, those which are *essential to the argument)*

from all irrelevant propositions with which they may happen to be mixed up; next, by *stating in words, and explicitly, all propositions,* also essential to the argument, *which may have been assumed tacitly,* instead of being declared verbally; thirdly, (having thus effected the separation and enumeration of the premises of the argument), by arranging all these propositions in that *order,* which (so strongly does ordinary language corroborate our view of the case) is termed their *logical* order; that is to say, by bringing every conclusion, and the premises from which it is deduced, close together, and taking care that the step by which the truth of a proposition is established, shall precede all those in which that proposition is made use of as a premiss for the establishment of other propositions: when all this is done, then, they will tell you, a child could judge of the correctness or fallacy of the argument. Possibly so: but *what is* all this? It is neither more nor less than to perform *the logical analysis of the argument.* When all is done which has been here supposed, the argument is actually reduced to a series of syllogisms: so that the all-sufficiency of common-sense amounts only to this, that, if the man of common-sense *makes use of the same means* which logic supplies, he may attain the same end. This is true, certainly; but *will* he do so? and, if he should attempt it, which of the two is most *likely* to perform the analysis correctly—the man who does it by rule, or the man who does it by guess; the man who knows the *principle* of the operation which he is performing, or the man who trusts to extemporaneous sagacity alone?

Had the philosophers who treated with so much contempt the idea of trying the validity of an argument by resolving it into a series of syllogisms, been aware that there is no other way in which its validity *can* be tried, and that this, and no other, is the process actually performed, so far as is found necessary for the purpose, whenever a fallacy in argument is discovered and pointed out, they would probably have spared some portion of the ridicule which they have heaped upon the syllogistic theory. We do not, of course, mean to assert, that the analysis is always carried to its utmost limit; that *every* step in a ratiocination is set forth at full length; every implied assertion laid down, which, if it were untrue, would vitiate the argument; every syllogism formally resolved into its two premises and its conclusion: although some of the impugners of logic have supposed, absurdly enough, that all this would be necessary if the syllogistic theory were true: and, indeed, all this *would* be necessary, were it not that, in practice, the fallacy almost always becomes manifest long before the analysis has

been carried to this ultimate point. As near an approximation to the syllogistic form as is employed in mathematics (which scarcely differs more from a complete series of syllogisms than that abridged form of syllogistic argumentation, known to logicians by the name of a Sorites) is commonly sufficient. But whatever portion of the analysis it is found necessary to perform, is performed upon syllogistic principles; and it would be a singular specimen of argumentation, to contend that the rules of logic do not conduce to the correct performance of a *part* of the operation, because they conduce also to the performance of the *whole*. Dr. Whately has aptly compared the logical analysis of a fallacious argument to the chemical analysis of an adulterated mixture:—to pursue this illustration somewhat further;—although the substance under an analysis of the latter description is certainly a compound of some of the primary elements, or simple substances, as oxygen, carbon, &c.; and, although its bad qualities are undoubtedly to be ascribed to the presence, either of a wrong element, or of some element in an improper proportion,—it is seldom necessary, for the purpose of detecting the adulteration, to effect the complete separation of all these primary ingredients, because the undue admixture generally becomes manifest, and the adventitious particles are separated at a much earlier stage of the proceeding. And yet, nobody would pretend that a man unacquainted with the properties of simple substances would be perfectly capable of performing such an analysis, or that the knowledge of the ultimate elements of bodies was of no service to the chemist. The same observations apply, *mutato nomine*, to the logician, and the syllogism.

Had the considerations which we have now adduced, suggested themselves to Mr. Dugald Stewart and others, those writers would scarcely have thought it a sufficient refutation of the syllogistic theory, to say (what indeed is very true), that if we were habitually to employ, in *stating* an argument, those forms which are only useful when it is to be *scrutinized*, the complexity of the expression, by lengthening the process, and distracting the attention, would cause more fallacies than it would prevent. As opposite arguments not unfrequently converge to the same conclusion, other men, or the same men at other times, have pronounced the syllogism useless on the contrary ground, viz. because a fallacious argument, exhibited as logicians exhibit it, *in the form of a syllogism*, is so palpably fallacious as to deceive nobody. This we may admit: the difficulty is over, when the argument is reduced to that form. But how are we taught to bring it into that form? By logic surely: and what higher

compliment can be paid to the doctrine of the syllogism, than to say, that the same fallacy, in the form of a syllogism, deceives nobody, which "may deceive half the world if *diluted* in a quarto volume."*

'Fallacious reasonings,' says Dr. Whately, 'may be compared to a perplexed and entangled mass of *accounts*, which it requires much sagacity and close attention to clear up, and display in a regular and intelligible form; though *when this is once accomplished*, the whole appears so perfectly *simple*, that the unthinking are apt to undervalue the skill and pains which have been employed upon it.'—p. 151.

We agree with Dr. Whately in ascribing the little esteem, in which the doctrine of the syllogism has been held by modern metaphysicians, to its being confounded with the absurdities of the schoolmen; who certainly dressed up much elaborate trifling in syllogistic forms, and deduced, by reasoning, and consequently by syllogism, from false premises, many very absurd conclusions. Modern philosophers, perceiving this, fancied that it was produced by the employment of the syllogism in lieu of induction; and concluded that, in order to avoid similar errors, it was necessary to discard the syllogism, which they thought was one method of reasoning, and confine ourselves to induction, which they imagined was another. All this while, the truth was, that the schoolmen not only did not neglect induction, but entertained a far more accurate and certainly a more distinct conception of the difference between its function and that of syllogism, than seems to have been entertained by any philosopher who has succeeded them. They saw clearly that the process of philosophizing consisted of two parts; the ascertainment of premises, and the deduction of conclusions. They knew that the rules of the syllogism concerned only the second part of the business (which alone is properly called Reasoning), and could only prevent them from drawing any conclusions which their premises did not warrant, but could not furnish any test of the truth of those original premises, which are not deductions from any prior truths. The evidence of these, which they termed *ἀρχαι*, *principia*, was derived from *experience*, and the process of the mind in attaining to them was termed *induction*. *Τὰς μὲν ἀρχὰς τὰς περὶ ἕκαστον, ἐμπειρίας ἐστὶ παραδοῦναι*, are the words of Aristotle himself:† and both his Analytica Priora and Posteriora are full of proofs, that he considered experience, in other words, *induction*, to be the ultimate foundation of all knowledge: the *ἀρχαι* or first principles of

* *Whately*, p. 151.
† *Analyt. Prior.* lib. i. cap. 30.

every science being ascertained by induction, and all other truths being deduced from them.

That this should have been overlooked by those who style themselves the inductive philosophers of modern times, is the more surprising, inasmuch as it did not escape the observation of their prototype and idol, Lord Bacon. That great writer, whom it is now fashionable to style the founder of the inductive philosophy, a title which he himself would have been the foremost to disclaim, imputes the errors of Aristotle and the schoolmen, not to their neglecting induction,—for he had read them—but to their performing it ill. They knew that all knowledge must be ultimately derived from the observation of nature; but they were bad observers, and had even (as was remarked by lord Bacon*) fundamentally wrong ideas with respect to the proper mode of directing their observations. They consequently generalized on insufficient evidence, and arrived, by an incorrect induction indeed, but yet by induction, at general principles, which were not true, but which, if they *had* been true, *would have warranted* all the conclusions which they deduced from them. The merit, therefore, of Bacon, did not consist in teaching mankind to employ induction instead of syllogism, but in pointing out to them the insufficiency of the mode of induction which they had hitherto relied on, and communicating some useful hints for the formation of a better. Since his time, a more efficacious mode of interrogating nature (to borrow a happy expression of his own) has established, that throughout some of the most extensive departments of natural philosophy, there does not exist that sort of connexion between different truths, which would enable us to deduce one of them from another as the schoolmen attempted to do.† We cannot collect the ductility

* Siquidem ex nudâ enumeratione particularium (ut Dialectici solent) ubi non invenitur instantia contradictoria, vitiose concluditur, neque aliquid aliud hujusmodi Inductio producit quam conjecturam probabilem. Quis enim in se recipiet, cum particularia, quæ quis novit, aut quorum meminit, ex unâ tantum parte compareant; non delitescere aliquid, quod omnino repugnet? Perinde ac si Samuel acquievisset in illis Isai filiis quos coram adductos videbat in domo, et minime quæsivisset Davidem qui in agro aberat.—Bacon, *de Augm. Scient.* lib. v. cap. 2.

† There is, however, a philosopher of our times, who holds this error in common with the schoolmen, and (strange to say), he is the Coryphæus of their modern antagonists. Dr. Reid imagined, that all physical facts were in their nature capable of being demonstrated; in other words, capable of being proved by syllogism. Misled, like the schoolmen, by geometrical analogies, he supposed that there is, corresponding to every physical object, an *essence*, which we do not *know* indeed, and which our faculties probably are not capable of being cognizant of; but which, nevertheless, is the cause of all the sensible properties of the

or specific gravity of a body which we have never seen, from the mere knowledge of its chemical composition, as we can deduce all the other properties of a triangle from that of having three sides. But we are not even now entitled to blame the schoolmen, as Dr. Whately himself has done, for "regarding the syllogism as an engine for the investigation of nature,"* in other words, for applying general reasoning to the discovery of physical truth; since this is precisely what we ourselves very properly do, throughout the vast field of astronomy, and of mechanical philosophy. It is unnecessary to remind any one who is acquainted with logic, that since every mathematical demonstration consists of a series of syllogisms, the application of the syllogism must be at least coextensive with that of mathematics. Throughout the extensive sciences just named, modern philosophers have operated (though with more success) in the very same mode which the schoolmen attempted: they have ascertained by induction certain very general facts; the laws of motion, that of gravitation, of the reflection and refraction of light, &c. and have deduced from these, by a series, sometimes a very long series, of *syllogisms*, innumerable conclusions with respect to past, present, and even future, *physical facts*. Surely it is time that the practice of reproaching the schoolmen for doing precisely what we do ourselves, should cease. The schoolmen erred, not because they overlooked the necessary limits of that portion of the process of investigating truth, to which the syllogism is subservient, but because they did not perform the *other* and equally necessary part of that process with the same unrivalled skill, with which, by the aid of logic, they performed that part of it with which alone logic is conversant.

The province of reasoning in the investigation of truth is immense. It comprises the whole of the process of investigating mathematical truths, by far the greater part of the process of investigating the truths of astronomy, and mechanical philosophy in all its branches, a very large part in respect of the truths of morals, politics, and the philosophy of the human

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object, and from which, if we *did* know it, those sensible properties might all of them be deduced.

The most extravagant of the schoolmen never extended the province of ratiocination so far. Their *essences* were, for the most part, sensible properties, from which indeed all other sensible properties could, as they imagined, be demonstrated, but which were themselves indemonstrable, and could be ascertained by induction alone.—*Vide* Reid *On the Intellectual Powers*, 8vo. ed. vol. ii. pp. 17, 110, 119, 121.

* Page 7.

mind: to chemistry and physiology alone it has but a limited application. Upon reasoning depends the correctness of our inferences; upon induction, the evidence of those truths from which our inferences are drawn. The philosophers who have spoken in such high terms of the desirableness of an inductive logic, meaning thereby rules for performing induction, have said no more than the truth; but the rules of correct *de*duction are not less essential, nor is it any objection to the Aristotelian logic that, professing only to give rules for one of these necessary operations, it affords no means of dispensing with the other. An inductive logic would be highly useful as a supplement to the syllogistic logic, not to supersede it. "A plough," says Dr. Whately, "may be a much more ingenious and valuable instrument than a flail, but it never can be substituted for it" [p. 236]. Induction has usually been performed in a manner so empirical, that it is almost surprising that so many useful truths should have been ascertained by means of it; but if our rules of induction were as specific and precise, as all those which we have hitherto possessed are vague and general, they would not contribute, in the slightest degree, to the correctness of our *reasoning*. The syllogistic logic affords the only rules which can possibly be of any service to that end. It is, to use Dr. Whately's words, not *an* art of reasoning, but *the* art of reasoning; "the logician's object being, not to lay down principles by which one *may* reason, but by which all *must* reason, even though they are not distinctly aware of them:—to furnish rules, not which *may* be followed with advantage, but which cannot possibly be *departed* from in sound reasoning" [p. 22]. The syllogism is not "a peculiar method of reasoning," but 'a method of unfolding and analyzing our reasoning' [p. 21]. Syllogistic reasoning is not a *kind* of reasoning, for *all* correct reasoning is syllogistic: and to *reason by induction* is a recommendation which implies as thorough a misconception of the meaning of the two words, as if the advice were, to *observe by syllogism*.

We shall now attempt a short summary of the contents of Dr. Whately's volume, together with such observations as may most effectually display its merits, and at the same time exhibit plainly one or two imperfections which we have already glanced at; and which, though trifling in comparison with the general excellencies of the work, contribute, nevertheless, to render it both a less clear and a less perfect exposition of the syllogistic logic, than it might have been made.

After an Introduction, consisting of a brief history of the science, with some remarks upon its utility, the most interest-

ing portion of which we have already extracted, Dr. Whately prepares the reader for the study of his Compendium of Logic, by what he terms an Analytical Outline of the Science. This appears to us an extremely happy idea. In expounding a science which, like logic, professes to teach what are the parts which go to the composition of any given whole, that may be termed the synthetical mode of teaching, which commences with the separate *parts*, and, after a sufficient explanation of their nature, proceeds to shew in what manner they must be put together in order to form that *whole*, which it is the object of the science to analyse: while that method, on the other hand, may properly be termed analytical, which begins at the opposite extreme, examining the *whole* as it exists in nature, and, by means of observation and experiment, detecting in that whole the several *parts;* thus teaching the science in the very order in which it must have been originally discovered. The first method, which begins by exhibiting the simple elements, and makes the learner familiar with them in their separate state, before any of their combinations are introduced to his notice, is generally the best adapted for *teaching* him the science; but the second is better calculated for *persuading him to learn:* because it commences with what is already familiar to him in actual practice, and, gradually leading him back to first principles, enables him to perceive, at each step in the analysis, the practical tendency and application of that step: whereas in the first mode he is made to go through the whole science before he reaches the point at which it comes into contact with his own practice, and, therefore, often fails of perceiving that it *has* any practical application at all. We are inclined to ascribe very much of the unpopularity of logic as a science, to the circumstance, that writers on the subject have almost universally employed the synthetical mode of exposition, to the exclusion of the analytical; a practice which can be advantageously adopted, only where there exists, as in the case of geometry, a predisposition in favour of the science proposed to be communicated. So long as the mode in which logic was invariably taught rendered it necessary to have thoroughly mastered the whole science before arriving at the evidence of its practical utility, it was, perhaps, scarcely to be wondered at, that all who did not possess this perfect knowledge of the subject should hold a science to be useless, of the usefulness of which the proof had never reached their minds.

This obstacle to the right appreciation of the importance of logic, Dr. Whately has for ever removed. The masterly sketch which he has given of the whole science, in the analytical

form, previously to entering upon a more detailed exposition of it in the synthetical order, constitutes one of the greatest merits of this volume, as an elementary work.

'In every instance,' says he, 'in which we *reason*, in the strict sense of the word, *i. e.* make use of arguments, whether for the sake of refuting an adversary, or of conveying instruction, or of satisfying our own minds on any point, whatever may be the subject we are engaged on, a certain process takes place in the mind, which is *one and the same* in all cases, provided it be correctly conducted.'—p. 18.

On this important psychological or metaphysical fact, depends the whole title of logic to be considered as a science; and our author, accordingly, is at great pains to illustrate it, and to refute the error (fostered by the prevailing language on the subject) of supposing that mathematical reasoning, and theological, and metaphysical, and political, and moral, are so many different *kinds of reasoning*. Whereas, in reality, what is different in these different cases is not the *mode* of reasoning, but the nature of the premises, or propositions *from* which we reason; precisely, as in arithmetic, the process of calculation is the same, whether the numbers, upon which the calculation is performed, be numbers of men, of miles, or of pounds.*

'In pursuing the supposed investigation, it will be found, that every conclusion is deduced, in reality, from two other propositions (thence called *Premises*); for though one of these may be, and commonly is, suppressed, it must nevertheless be understood as admitted, as may easily be made evident by supposing the denial of the suppressed premiss, which will at once invalidate the argument.—An argument thus stated regularly and at full length, is called a Syllogism; which, therefore is evidently not a peculiar *kind of argument*, but only a peculiar *form* of expression, in which every argument may be stated.'—pp. 23, 24.

Having advanced so far in the investigation of the subject, as to ascertain that every conclusion is deduced from two premises, the next step is, to examine, whether the nature of the premises which are required to support a given conclusion is subject to any general law. Pursuing this investigation, Dr. Whately shews, that in one of the premises, *something is always affirmed or denied of a class*, in which class it is affirmed, in the other premiss, that *something else is contained*; from which two assertions it is, in every case of correct reasoning, concluded, that what was so affirmed or denied of the class, may be affirmed or denied of that which was stated to be comprehended in the class. As every valid argument may

* Page 21.

be reduced to this form, the principle upon which the above conclusion is drawn, and which is termed by logicians the *dictum de omni et nullo,* is the universal principle of all reasoning. It may be stated in the following form, the three propositions of the syllogism being distinguished by figures.

1. 'Any thing whatever, predicated of a whole class,
2. 'Under which class something else is contained,
3. 'May be predicated of that which is so contained.'—p.36.

Every valid argument is a case of this general principle; every fallacy is a case which, while it seems to fall under the principle, really does not.

Having thus analysed every process of reasoning into the propositions of which it is composed, the next step is the analysis of a proposition into its two *terms,* its *subject* and *predicate.* And here, from the inquiry, what *predicates* are applicable to what *subjects,* arises the whole theory of classification, and of general and particular names. But having already followed our author sufficiently far in his Analytical Outline, to give an adequate conception of his mode of proceeding, we shall stop here, particularly as we do not think him quite so successful in the latter part of the analysis, as in the earlier.

Having thus analysed the process of ratiocination into its simple and ultimate elements, Dr. Whately commences a fuller exposition of the science in the inverse order; and this, in contradistinction to his Analytical Outline, he terms a Synthetical Compendium.

As every *argument* consists of *propositions,* and every proposition of *terms,* it has been usual with writers on logic, to treat their subject under three heads, namely, Terms, Propositions, and Syllogism. As this principle of distribution arises obviously out of the nature of the subject, Dr. Whately has adopted it; and his Synthetical Compendium consists of three parts. On the third part, which treats of arguments, little need be said, except that it is equal, if not superior, to any other exposition extant, of this branch of the science. The supplementary account of hypothetical arguments deserves higher praise; it is almost entirely new: comparatively little having been done by Aristotle or his followers, either for reducing the theory of that kind of arguments to fixed principles, or for devising rules to ensure correctness in the practice. We do not think by any means so highly of the two introductory parts, on Terms and Propositions. On these important subjects it appears to us that Dr. Whately not only has not improved upon the expositions given in former treatises on logic, but has not even availed himself of all the useful matter which those works afford.

We shall, before we proceed further, endeavour to give a general conception of what was done by the Aristotelian logicians in these two departments of the science.

It is sometimes said, and in a certain sense with truth, that these philosophers considered Propositions and Terms solely with reference to their employment in Reasoning; and treated of them, in their books of logic, no further than was necessary for expounding the doctrine of the Syllogism. But if by this it be meant, that they laid down no doctrines respecting terms and propositions, except what were required to enable them to analyse the process by which conclusions are drawn from premises, and establish rules for performing that process correctly, we believe it will be found that this character applies to a small part only of what is commonly taught in logical treatises under these two heads. For the mere purposes of the syllogism,—for securing that our conclusions shall be such as really follow from our premises,—very little of the theory of terms and propositions is necessary, except the division of terms into General and Individual, of propositions into Universal and Particular, Affirmative and Negative; with the rules which relate to what logicians very inappropriately call the Distribution of Terms;* to which we may, perhaps, add, the Conversion and Æquipollency of propositions. This is all that is strictly necessary by way of introduction to the theory of the syllogism; and it is but just to state that on all these points Dr. Whately's exposition is completely satisfactory.

But the Aristotelian logicians did not stop here, nor confine within these narrow bounds the dominion of their science. They appear to have included in their idea of logic, not only the principles of reasoning, but all the instructions which philosophy could furnish towards the right employment of words, as an instrument for the investigation of truth. That principles may be laid down and rules devised to that end, sufficient in number and importance to constitute a science, we hold to be indisputable; though we are aware that in this opinion Dr. Whately does not concur. Whether that science should be

* The name of a class, otherwise called a *general term*, is taken, according to circumstances, either to denote *any individual whatever of the whole class*, or only any individual whatever of *some part* of it. In the first case the term is said to be *distributed*, or *taken distributively*, in the other, not. Thus in the proposition, *man is mortal*, in which the terms *man* and *mortal* are respectively names of classes, the word man stands for *any and every man*, and is therefore *distributed;* but the word mortal is not distributed, being taken for a part only of its class; for although the proposition affirms that *every* man is mortal, it does not affirm that every man is *every mortal*, many objects being mortal which are not men.

regarded as a part of logic, is a mere question of nomenclature, and one which common usage has long since decided in the affirmative. But, however we may decide with respect to the names, it is in the first two parts of the treatises of the Aristotelian philosophers on logic, that we find all which they thought it necessary to lay down with reference to the employment of words, generally, as an instrument of thought; and in this there was much, which, however it might conduce to the truth or accurate wording of the premises from which we reason, contributed nothing to the correctness of the ratiocination itself.

The Aristotelians did not carry this department of what they considered as logic, to a degree of perfection approaching to that which the theory of the reasoning process attained in their hands. But they made in it no contemptible proficiency; and notwithstanding all the assistance which *might* have been derived from the discoveries of Locke and Brown, for the improvement of this branch of philosophy, modern metaphysicians are far from having yet followed out all the important hints, which the so much ridiculed schoolmen afforded. It is true, that their classification of names according to the nature of the *things which they signify*, has little merit in the outline, though much in some of the details; but their classification of names according to the *mode of their signification* (of which the doctrine of the Predicables forms a part) when purified from the taint of Realism which adheres to the expression but without infecting the substance, constitutes a prodigious step in the theory of naming; a step which few among their modern successors have known even how to appreciate, far less to surpass. Their classification of the modes of *predication*, co-ordinate with, and founded on the above classification of *terms*, and the further division of propositions according to the nature of the evidence on which they rest (for such in reality are the distinctions of *essential* and *accidental*, *necessary* and *contingent*, propositions) clearly prove them to have seen, not indeed to the bottom of the subject, but deeper into it than the generality of those who have constituted themselves, in modern times, the contemptuous assailants of the school logic. If we add to what has been enumerated, their observations on Definition and Division, which though extremely imperfect, contain the germs of many truths which are still waiting to be developed, we shall have a body of materials, not, indeed, entirely adequate to the purpose contemplated by Watts, and so severely condemned by our author, of laying down "rules for forming clear ideas, and for guiding the judgment," but containing much which is highly conducive to that end, and which, if expanded, systematized, and in some

few points corrected, by a hand competent to the task, would effect nearly all that any body of instructions or system of rules can possibly accomplish, in a direct way, towards the purpose which Watts had in view.

In the Compendium of Aldrich, commonly called the Oxford Logic, the greatest part of this important branch of the Aristotelian philosophy is omitted, and the remainder most lamely, imperfectly, and in some points even incorrectly, given. This Treatise, the whole of which, except the mere technical account of the rules of the syllogism, is utterly contemptible, has been for many years the text book in use at the only academical institution in England at which logic forms any part of the established course of education. The University of Oxford did not always thus confine her *alumni* to the worst book extant on the science which she still compels them to pretend* to learn; for the very best account which we have ever seen, in a small compass, of the Aristotelian logic (a work written by a Jesuit, Du Trieu, for the use of the college at Douay) was printed at Oxford in 1662.† This circumstance, and the degeneracy which it evinces, form an appropriate comment upon the benefits of richly-endowed seminaries of education, and of institutions generally, in which the quantity of service does not regulate the quantity of reward. But what we would particularly observe is, that this treatise of Aldrich is almost the only work, professing to be an exposition of the Aristotelian logic, with which Dr. Whately appears to be acquainted. He admits himself to have taken more from that treatise than from any other; and we are sorry to say, that nearly the whole of his Synthetical Compendium (the supplement and a few passages excepted) is little more than a paraphrase of Aldrich. The exposition of the syllogism in Aldrich is clear and accurate, and that of our author, accordingly, is entitled to the same praise: but in the remainder, though he has corrected some of the minor oversights of his predecessor, he has in general followed him so closely in his worst parts, that it is almost as impossible to gain from the one, as from the other, a single clear idea.

We cannot select any passage from Dr. Whately's work, which so forcibly illustrates all that we have advanced, as his account of the Predicables. This, as logicians are aware, is an

* We use this strong expression upon no less an authority than that of Dr. Whately himself. The words are ours; but the facts, which more than bear them out, may be learned from his preface.

† This excellent treatise has recently been re-printed by a subscription, among several students of logic, for the convenience of use.

attempt to classify *general terms, i. e.* names which, by virtue of their signification, are applicable in one and the same sense to an indefinite number of individuals. In the doctrine of the Predicables, these terms are considered as capable of being *predicated,* which is as much as to say *affirmed,* of some individual thing or things. The problem is, how many *kinds* of general names, all of them differing in their *mode of signification,* may be predicated of, and may therefore be said to be names of, one and the same set of individual objects. Logicians have determined that *five* different kinds of general names may be so predicated; and have called them Genus, Species, Differentia, Proprium,* and Accidens. These are called Predicables, and our author, after Aldrich, has defined them as follows:

'Whatever term can be affirmed of several things, must express either their *whole essence,* which is called the *Species;* or a *part* of their essence (viz. either the material part, which is called the *Genus,* or the *formal* and *distinguishing part,* which is called *Differentia,* or in common discourse, *characteristic*) or something *joined to the essence;* whether *necessarily* (*i. e.* to the *whole* species, or, in other words, *universally,* to every individual of it), which is called a *Property* [Proprium]; or *contingently* (*i. e.* to *some* individuals only of the species), which is an *Accident.*—p. 62.

To render this intricate and involved sentence less unintelligible, Dr. Whately subjoins a synoptical table of the Predicables, for which we must refer our readers to the work itself.

If it be the object of a definition to render that clear, which was before obscure, our author can scarcely flatter himself that what he has here given, is entitled to the name. If his readers had any thing approaching to a distinct conception of the predicables before (as they probably had of Genus and Species) such an explanation as this would be almost sufficient to throw

* We have chosen to retain the latin word *proprium,* instead of rendering it (with our author) by the English word *property.* Our reason is, that by the usage of the English language, *property* includes not only Proprium, but Differentia and Accidens. When the properties of a thing are spoken of, the whole of its attributes are generally meant.

We have thought it necessary thus to justify our departure from Dr. Whately's employment of the word *property,* because he does not himself seem to be aware, that he has used that term in a peculiar sense. In the preface to his "Elements of Rhetoric," recently published, he complains that he has been represented as speaking of *accidental properties;* this he seems to think extremely unfair; but it is obvious, that, in the ordinary acceptation of the words, he *has* spoken of accidental properties, though not in the special meaning (the Second-Intention as he would say) which he has thought fit, in the exercise of the discretion allowed to philosophical writers, to affix to the term property.

back the whole subject into inextricable darkness and confusion.

What is meant by the *essence* of a thing? What by its *whole* essence? In what sense can the word man, which is the name of a species, be said to express the *whole essence* of John and Thomas? Dr. Whately admits elsewhere, that classification is arbitrary; we may therefore constitute our species as we will; have we the same arbitrary power over the *essences* of *things?* Supposing the essence understood, what are we to understand by the *material* part, what by the *formal or distinguishing* part of the essence? and what is meant by *something joined* to the essence?* The reader will probably imagine that Dr. Whately cannot have employed so many unusual expressions, without somewhere explaining their meaning; but no explanation is attempted; it is throughout assumed that the reader perfectly understands all these phrases, most of which he probably now hears of for the first time. The only part of this account of the predicables which is intelligible, is incorrect: we mean the distinction drawn between Proprium and Accidens, which conveys ideas totally different from those which logicians have always attached to the terms, nor is it true that they, or, indeed, any other philosophers or writers whatsoever, have used the word *necessary* as it is here employed, synonymously with *universal.* That crows are black, is a universal proposition, and a true proposition, but did any person ever before dream of calling it a necessary one? Black, as applied to a crow, is the very word most commonly given by logicians as an example of an *inseparable accident;* yet our author classes it as a Proprium, without seeming to be aware that he is altering the established classification.

All this while, if Dr. Whately had looked into any of the more celebrated treatises on the Aristotelian logic, he would have there found the doctrine of the predicables placed upon a perfectly distinct and intelligible foundation, and the materials so well prepared for a thoroughly philosophical explanation of general terms, that, with all the aids which modern discoveries afford, and with the power of original thinking which he has elsewhere displayed, he might have had the merit of carrying

* In one place, instead of the *essence,* simply, Dr. Whately speaks of the *essence, or nature;* but this, besides that it is only interpreting one unintelligible word by another, is an interpretation which, surely, on reflection, Dr. Whately will not abide by. He says, that the *species* expresses the *whole essence* of a thing; now he can scarcely mean to affirm, that it expresses the whole *nature. Horse* does not surely express the whole nature of Eclipse, or Bucephalus.

this important branch of the philosophy of the human mind almost to perfection.

But we are not entitled to find fault with Dr. Whately's explanation of the Predicables as insufficient, without showing, by an experiment of our own, that a better explanation might be made. We shall therefore make the attempt, giving due notice to those who may think the following dissertation too dry, that if they please they may pass it over.

With respect to Genus and Species, we shall drop the unmeaning phrases copied by our author from Aldrich, and which do not bear the remotest analogy to any thing in Aristotle, or Porphyry, or any of the more distinguished of their followers, and shall content ourselves with saying that any *class*, considered as *comprehended* in a larger class, is a species; and *vice versâ*, the larger class, considered as *comprehending* the smaller, is a genus. This we take to be the ordinary and received meaning of the terms, and it accords with the sense in which the Aristotelian logicians used them. There was, indeed, one sort of species which they held to be the species *κατ' ἐξοχὴν*, more peculiarly a species than any other, *species specialissima* as they termed it, and that was, the *lowest* species in any given classification; a species which they fancied could not be any further subdivided into species, but only into individuals. This notion was evidently a result of the fundamental error of the Aristotelian philosophers, which consisted in not perceiving that *classification is arbitrary*. They did not consider, that we may erect any set of *individual things* into a species, which have any quality in common among themselves, distinguishing them from others; they did not see that it depends upon our choice what shall be the lowest species, but fancied, that, when they had proceeded to a certain length in the division, they reached the lowest species, and that there, by the necessity of nature, they were compelled to stop. This was their error; from which it is difficult to suppose, that the inventor of the maxim that the species expresses the *whole essence* of a thing, could be altogether free.

When this appendage is detached from it, the distinction between Genus and Species is nothing more than the difference between a larger class and a smaller. There is a broader line of distinction between these two predicables and the other three, Differentia, Proprium, and Accidens; between such words as *animal*, or *man*, and such words as *white*, *carnivorous*, or *rational*.

All nomenclature is connected with some classification: and in all classification there are two ideas involved, that of the *properties* or *attributes* which form the basis of the classification,

and that of the *things* which compose the classes themselves. Thus, when animals are divided into birds, beasts, fishes, and so forth, we are to consider, with regard to the word *fish* for example, first, the *things* comprised in the class (which are sharks, lampreys, eels, salmon, &c.), and next, the *qualities* common to all these things (that of being cold-blooded, breathing by gills, living in the water, &c.), on account of which they are erected into a class, and which are implied in the name of the class, since any animal, or other object, not possessing all these qualities, would not be termed a fish. The Aristotelian logicians did not overlook this important distinction between the two constituent parts which make up the signification of a name, the *things* which it is imposed upon, and the *properties* on account of which it is imposed. They called the former the *significatum materiale* of the term, the latter its *significatum formale;* and they sometimes said that it *denoted* the one, and *connoted* the other. The word *man* denotes John, Thomas, and all other men; it connotes rationality, the human form, and whatever other may be the qualities which the name imports, and in the absence of which it would be withheld. The word *white* connotes the property of whiteness; it denotes snow, silver, milk, and all other things which, in consequence of their possessing that property, we term white.

Now, although all names which denote classes of things (and such are all the predicables) signify both the class itself, and the attributes which constitute it a class; or, to speak technically, *denote* the class, and *connote* the attributes;—there is this difference, that in the case of Genus and Species the idea of the class itself is the leading idea; in the other three predicables, it is the idea of the attribute. When we hear the word *man,* our attention is directed, first to the object, and from that to the qualities which are implied in the name, and but for which it would not have received the name; when, on the contrary, we hear the words *rational,* or *white,* the quality of rationality or whiteness is the first idea which is suggested to the imagination, and the idea of the white or rational *thing* is merely secondary. So perfectly is the idea of the quality here the leading idea, that adjectives are frequently described to be the *names of qualities,* which, in reality, they are not; all names of qualities, as *goodness* for example, being substantives. Adjectives are names of things, *considered as having* qualities; but in which, the quality being fixed, and the things variable, the idea of the quality predominates over that of the thing.

It remains to show in what manner the three adjective predicables, Differentia, Proprium, and Accidens, are distinguished

from one another; how we are to decide whether any name, in which the idea *connoted,* that of the attribute, is the principal idea, should be considered as a Differentia, a Proprium, or an Accidens, of a given class. We say a *class,* because we do not consider the first two of these terms to be applicable to an individual.

Now here, as it appears to us, the definitions of the schoolmen are precise, and their classification perfect. The attributes, according to them, might be either

1. *Essential,* and then the term connoting it was a Differentia; 2. *Accidental,* but *necessary,* and then the term connoting it was a Proprium; or 3. *Accidental* and *not necessary,* and then the term connoting it was an Accidens.

To render this classification intelligible, it is necessary that we should explain what was here meant by *essential* and *accidental, necessary* and *contingent.*

1. By the essence, and the essential properties, of a class, were meant the properties which, as we have already explained, are *implied* in its *name,* or, to use the technical expression, *connoted* by it. The essence of the class *man* consists, according to this definition, of life, the power of voluntary motion, rationality, and the human form. There are many other properties which are both common to all mankind, and peculiar to them, but they are not *essential,* because, if a race were discovered destitute of these properties, they would yet, according to the established meaning of the word *man,* be called men, if they possessed the other attributes which we have named. All this is plainly implied, though not clearly expressed, in the scholastic definition of essence. All properties, says the definition, are of the essence of man, without which man can neither be, nor be conceived to be; that is, without which, an object, whatever may be its other properties, will not be called man.

It is obvious, that, as classification is arbitrary, and nomenclature equally so, the word *man* might, if we had so chosen, have implied any other properties, instead of these. What should or should not be essential properties of man, depended upon the will of those who framed the class, and imposed the name. But the convenience of framing such a class, and giving it a common name, has been so obvious, that all mankind have concurred in the classification; and so long as we profess to adhere to the established nomenclature, it does not depend upon us what shall be the essential properties of the class, because it does not belong to us, but to the usage of language, to fix what is implied in the name.

Every property which was of the essence of a species, every

property implied in the name of a species, might be termed, according to the schoolmen, a Differentia of that species. But there was this further distinction, that, as some of the properties which were common to the species, and implied in its name, might also be common to some larger class or Genus, including the species, and might be implied in the name of that likewise, these properties were said to constitute a Generic Difference, with respect to the species, while the remainder of its essential properties, which were implied in the name of the species but not implied in that of the genus, and which served consequently to distinguish the given species from other species of the same genus, were termed its Specific Difference. Of the four properties above enumerated as essential to the class *man*,—life, and the power of voluntary motion, are implied, not only in the name of that class, but in the name of the superior genus, *animal*, and are therefore termed the *Differentia Generica* of man, while rationality and the human figure, not being implied in the word *animal*, serve to distinguish the species man from the other species of that genus, and are called its Differentia Specifica.

2. All properties or attributes which were possessed by the thing, but not implied in the name, and were therefore excluded from the rank of essential properties, were called *accidental* properties of the class, and were said to be predicated of it by accident, κατα συμβεβηκὸς, because it was only by accident that they were true of the whole class, not having been in any degree taken into account when the class was framed, and the objects which were to be comprised in it parcelled out.

Accidental properties were further subdivided into those which were *necessary* and those which were *not necessary;* which were, as it is otherwise expressed, *contingent*. The first kind of property (or rather the name which connotes it) was called Proprium, the second Accidens. We shall endeavour to explain this remaining distinction without reference to our author's strange misunderstanding of the meaning of the word *necessary*, as applied to a property or a proposition.

Of the properties of a class, there are some which, as we have before seen, are implied in its name, and these are called its *essential* properties; but there are some also, which, although not implied in the name of the species, are capable of being demonstratively deduced from those which are: and these were the properties to which the followers of Aristotle applied the name Proprium. Thus the property of being bounded by three straight lines is implied in the name of the class Triangle, and is one of its essential properties: the property of having the sum of its angles equal to two right angles may be shown, by

demonstration, to follow from this essential property, but is not itself an essential property, not being implied in the name; for, if we were to discover that Euclid's demonstration is incorrect, and that the two properties are not co-extensive, the name would certainly follow the former property, not the latter. Being an accidental property, therefore, and yet a necessary property, because the supposition of its being taken away, while the essential properties of a triangle remain, "implicat manifestam contradictionem,"* it is termed a Proprium. All other accidental properties are called simply by the name of Accidens.

All the five Predicables, with their distinguishing characteristics, may be exhibited in a Synoptic Table of the following form:—

PREDICABLES, *or* GENERAL TERMS *capable of being predicated of a Class.*

| 1. | 2. | 3. | | 4. | 5. |
|---|---|---|---|---|---|
| The name of the class itself, SPECIES. | The name of any larger class which includes it, GENUS. | Any property implied in the name of the class, DIFFERENTIA. | | Any property belonging to the class, but not implied in its name. | |
| | | Implied likewise in the name of the larger class, *Generic Difference.* | Implied in the name of the given class, but not in that of the larger class, *Specific Difference.* | Capable of being deduced by demonstration from some property implied in the name of the class, PROPRIUM. | Not capable of being so deduced, ACCIDENS. |

When thus expressed, the Aristotelian classification of general terms has, at least, the advantage of being intelligible.† It is also evident, that the classification is complete; that it comprehends every thing which can be truly predicated of a class. It does not belong to this place to afford any illustrations or proofs of its vast *utility*, especially in all questions relating to the original foundation of human knowledge, and the different kinds of evidence on which it rests. But we may have occasion hereafter, in touching upon that more extensive subject, to follow out some of the above observations to their ulterior consequences:

* Crackanthorp, lib. i. cap. 5.

† The above account of the last three Predicables has been chiefly drawn from Du Trieu, Crackanthorp, Burgersdicius, and other eminent expounders of the Aristotelian logic. There is not one thought in the text which was not adopted, with or without additional development, from those excellent writers, except the definition which has been given of essences and essential properties. And although, on this point, their definition is not the same with that in the text, it manifestly leads to it.

and, in the mean time, it may be sufficient, as a protection against the accusation of elaborate trifling, to observe, that to point out, and make plain and intelligible, distinctions which *really exist*, whether it be attended with immediate practical consequences or not, at least conduces always to the clearness of our ideas.

We shall not here set forth the manner in which the unfortunate confusion, in our author's mind, between the words *necessary* and *universal*, has vitiated a great part of what he has said on the subject of Propositions. But there is one point remaining—a point of very great importance—on which we think that Dr. Whately has profited little by the discoveries of modern metaphysicians; it is the subject of Definition.

'A Nominal Definition,' says he, '(such as are those usually found in a *dictionary* of one's own language) explains only the *meaning of the term*, by giving some equivalent expression, which may happen to be better known. Thus you might define a "Term," that which forms one of the *extremes* or *boundaries* of a proposition; and a "Predicable," that which may be predicated; "decalogue," ten commandments; "telescope," an instrument for viewing distant objects, &c. A Real Definition is one which explains and unfolds the *nature of the thing*; and each of these kinds of definition is either *accidental* or *essential*. An *essential* Definition assigns (or lays down) the *constituent parts of the essence* (or nature). An *accidental* definition (which is commonly called a *description*) assigns the circumstances *belonging* to the essence, viz. Properties and Accidents (*e. g.* causes, effects, &c.) thus, "man" may be described as "an animal that uses fire to dress his food, &c." '—p. 71.

We do not intend to comment upon the obscurity and confusion of the latter part of this passage, occasioned by the unhappy imperfection of our author's explanation of the predicables; but to observe, that the distinction between nominal and real definitions, between definitions of words and what are called definitions of things, although conformable to the ideas of most of the Aristotelian logicians, cannot, as it appears to us, be maintained. We apprehend that no definition is ever intended to "explain and unfold the nature of the thing." It is some confirmation of our opinion, that none of those writers who have thought that there were definitions of things, have ever succeeded in discovering any criterion by which the definition of a thing can be distinguished from any other proposition relating to the thing. The definition, they say, unfolds the nature of the thing: but no definition can unfold its whole nature; and every proposition in which any quality whatever is predicated of the thing, unfolds some part of its nature. The true state of the case we take to be this:—All definitions are of

names, and of names only: but, in some definitions, it is clearly apparent, that nothing is intended except to explain the meaning of the word; while, in others, besides explaining the meaning of the word, it is intended to be implied that there exists a thing corresponding to the word. Whether this be or be not implied in any given case, cannot be collected from the mere form of the expression. "A centaur is an animal with the upper parts of a man and the lower parts of a horse;" and "A triangle is a rectilineal figure with three sides," are, in form, expressions precisely similar; although in the former it is not implied that any *thing*, conformable to the term, really exists, while in the latter it is; as may be seen by substituting, in both definitions, the word *means* for *is*. In the first expression, "a centaur means an animal," &c., the sense would remain unchanged: in the second, "a triangle means," &c. the meaning would be altered, since it would be obviously impossible to deduce any of the truths of geometry from a proposition expressive only of the manner in which we intend to employ a particular sign.

There are, therefore, expressions, commonly passing for definitions, which include in themselves more than the mere explanation of the meaning of a term. But it is not correct to call an expression of this sort a peculiar kind of definition. Its difference from the other kind consists in this, that it is not a definition, but a definition and something more. The definition above given of a triangle, obviously comprises, not one, but two propositions, perfectly distinguishable: the one is, "There may exist a figure bounded by three straight lines:" the other, "and this figure may be termed a triangle." The former of these propositions is not a definition at all; the latter is a mere nominal definition, or explanation of the use and application of a term. The first is susceptible of truth or falsehood, and may therefore be made the foundation of a train of reasoning: the latter can neither be true nor false; the only character it is susceptible of is that of conformity or disconformity to the ordinary usage of language.

We have much to say, likewise, on Dr. Whately's Essential and Accidental Definitions, his Separable and Inseparable Accidents, &c. But we have said enough, perhaps more than enough, in the tone of criticism, upon his Synthetical Compendium. In our examination of the remainder of his work, we shall have the less invidious office of displaying merits rather than of detecting faults.

The latter half of the volume consists of a Treatise on Fallacies, and a Dissertation on the Province of Reasoning.

The subject of Fallacies has not been disregarded by logical writers. In most treatises of logic, a chapter has been devoted to the enumeration and classification of them. But logicians have not, hitherto, elicited much that is recondite or valuable on this subject. They seem to have exhausted the whole vigour of their intellects in laying down principles and rules, by the application of which *a* fallacy, if any exist in an argument, may be detected; and to have expended little philosophy in devising the means of distinguishing *what kind* of fallacy it was, in what *cases* such a fallacy was most to be apprehended, and by what previous habits the mind might be, with the greatest probable efficacy, protected against its approach. Perceiving clearly, in this division of the subject, the ineptitude of Aldrich, whose deficiencies, however, in this instance are no greater than those of much abler writers, Dr. Whately has left the beaten track of his predecessors, and applied his own powers of thought to the task of describing, characterizing, and classing, fallacies.

The reader who should expect to find, in this excellent dissertation, a dry catalogue of names or a string of technical definitions, would be most agreeably disappointed in its perusal. It abounds with apt examples and illustrations drawn from almost all the most interesting subjects in the range of human knowledge, and is interspersed with many just and acute observations on the errors of controversialists, the mental habits by which the liability to be deceived by fallacies is heightened or decreased, and the general regulation of the intellectual faculties.

From the examples here given of fallacious arguments, much instruction may be derived of a nature not strictly logical; since the refutation of a sophism, be it in what science it may, is in itself a good, independently of its use as an exercise, to fit the mind for detecting and avoiding others. In the Preface to his Elements of Rhetoric, lately published, Dr. Whately complains that some have blamed him for availing himself of these examples as a vehicle for opinions of his own, in which the persons by whom he is thus criticized do not concur. We know not who are the persons thus alluded to, but the objection, by whomsoever made, is (as it seems to us) extremely unreasonable. If logic be of use for the establishment of any truths, they must be truths which *need* establishment—truths which there is at least a chance that some of those to whom they are presented may not immediately admit. For the settlement of a dispute, it is a necessary condition that the dispute should exist, or at least be capable of existing. There is little use in trying an argument by logical rules when it is sufficiently

clear already whether it be valid: and, in point of fact, we are firmly persuaded, that the extremely familiar and obvious arguments by which logical writers have in general illustrated the doctrine of the syllogism, have contributed not a little to the low estimation in which the science is commonly held by superficial persons, who, finding that from the beginning to the end of a work professing to deliver the Art of Reasoning, that art is never once employed to establish a single truth of which any man could doubt, or refute one sophism by which he could for an instant be deceived, had some colour for representing logic as a mere nomenclature, and applying to it what was wittily said of a sister science, that

——— "All a rhetorician's rules
Teach nothing but to name his tools."

In adopting, however, the more judicious course, of illustrating the principles of logic by means of arguments of which the soundness or fallacy could not so readily be perceived without the aid of those principles, the teacher of that science exposes himself to another danger, from which we cannot say that, in our opinion, Dr. Whately has always been quite successful in guarding himself. It has been already remarked, that the most unerring skill in the application of logical rules will not protect the reasoner from false conclusions if his premises are unsound. Now, although his error, when it proceeds from such a cause, is in no wise imputable to logic, its apparent absurdity is not a little heightened by the scientific apparatus with which he has so cautiously protected himself from falling into any conclusion but that to which his false premises legitimately lead. So likewise if, in order to refute opponents, a logician permits himself to fill up a suppressed link of their argument with a proposition which they allow to be false, when one which they affirm to be true would equally have sufficed to support their conclusion, and by this method gains an easy victory over an argument which was never maintained—the adversary, being perhaps ignorant of logic, and thinking himself logically confuted when his reason tells him that he is not substantially so, is likely enough to conclude that the rules of logic afford no criterion whatever of the validity of an argument. Thus Dr. Whately says,

'If a man expatiates on the distress of the country, and thence argues that the government is tyrannical, we must suppose him to assume *either* that "every distressed country is under a tyranny," which is a manifest falsehood, *or* merely that "every country under a tyranny is distressed," which, however true, proves nothing, the middle term being undistributed.'—p. 137.

With submission, we would observe, that the supposed reasoner need not maintain either the false proposition, or that which does not prove the conclusion: he *might* assume, not that "every distressed country is under a tyranny," but that every country which is blessed with a fertile soil, rich mineral productions, a situation highly favourable to commerce, and an orderly, intelligent, and industrious, population, may, if it be distressed, impute its miseries to the tyranny, or, at least, to the vices, of its government. And it *might* be, that the circumstances of the country in question were in accordance with the above hypothesis. Dr. Whately has therefore, with much ostentation of logic, failed in his attempt to refute this argument: which, indeed, like many other arguments in which the premises only are disputable, and not the justness of the *illation*, may or may not be a sophism according to circumstances, and consequently does not admit of any general refutation. We are sure that our author cannot justly impute so flagrant an abuse of logical principles to Mr. Bentham, upon whose Book of Fallacies he is somewhat unnecessarily severe [p. 194, note.] We mention these things merely because we think it right to shew that they have not escaped our observation. We should deserve contempt if such faults as these, in matters only incidental to the main subject, could affect our estimation of the work as a scientific treatise, or even materially alter our feelings towards the author. For the man who labours, whether from superstition or self-interest, to keep back the progress of the human mind, we reckon it no apology that the evil which he does he is besotted enough to mistake for good: but every one who is really and efficiently engaged in enlightening mankind, we regard, howsoever we may dissent from some of his views, as a confederate and brother in arms, a fellow labourer in the same great cause with ourselves. If our advances are not met with equal cordiality, that does not affect *our* duty; the admirable purpose of this volume, and the immense good which it is effecting, would be a sufficient atonement for twenty times the number of trespasses against candour and the rules of fair and honourable controversy, which can be discovered in it. The number of bigots and knaves in the world is not so small, nor the friends of improvement so numerous, that any portion of the indignation due to the first can, with any justice, be diverted to the second.

The Dissertation on the Province of Reasoning exhibits a greater reach of thought, and power of original investigation, than is shewn in any other part of the volume. It is divided into five chapters. 1st, On Induction. 2nd, On the Discovery

of Truth. 3rd, On Inference and Proof. 4th, On Verbal and Real Questions. 5th, On Realism.

In the chapter on Induction, it is the chief object of our author to prove that induction is not, as it seems to be generally considered, a distinct kind of argument from the syllogism.

'This mistake,' he observes, 'seems chiefly to have arisen from a vagueness in the use of the word induction, which is sometimes employed to designate the process of *investigation*, and of collecting facts; sometimes the deducing an inference *from* those facts. The former of these processes (i. e. that of observation and experiment) is undoubtedly *distinct* from that which takes place in the Syllogism; but then it is not a process of *argument*; the latter, again, *is* an argumentative process; but then it is, like all other arguments, capable of being Syllogistically expressed.'—p. 208.

'In the process of reasoning,' he continues, 'by which we deduce, from our observation of certain known cases, an inference with respect to unknown ones, we are employing a syllogism in *Barbara* with the major* Premiss suppressed; that being always substantially the same, as it asserts, that "what belongs to the individual or individuals we have examined, belongs to the whole class under which they come;" *e. g.* from an examination of the history of several tyrannies, and finding that each of them was of short duration, we conclude, that "the same is likely to be the case with all tyrannies;" the suppressed major Premiss being easily supplied by the hearer; viz. "that what belongs to the tyrannies in question is likely to belong to all."'

This is a just, and, so far as we are aware, an original remark; and its consequences are extremely important. Deliberate consideration does not indeed shew it to be so complete an answer as it at first appears, to those writers who set up Induction in opposition to Syllogism; for if this were the only reply that could be made to them, they might with justice allege, that although, in the inductive process, the only part which can be correctly termed reasoning is syllogistic, that part is, however, extremely simple and obvious, the inductive syllogism being one and the same in all cases; and that in a case of vitious induction, it is not in this step of the process that the mistake ever lies. The importance, therefore, of Dr. Whately's observation consists rather in the more clear conception which it gives of the nature of Induction itself: in con-

* "Not the minor, as Aldrich represents it. The instance he gives will sufficiently prove this—'This, and that, and the other magnet attract iron; therefore so do all.' If this were, as he asserts, an enthymeme whose *minor* is suppressed, the only premiss which we could supply to fill it up would be, 'All magnets are this, that, and the other,' which is manifestly false."—*Author's Note.*

firmation of which, it may be stated, that this one remark would have sufficed to correct the erroneous notion which the ancients had of induction, and to which Lord Bacon justly ascribes the gross errors they committed in the investigation of nature. They in fact mistook altogether the inductive syllogism, completing it by the addition of a *minor*, instead of a *major;* as is shown by Dr. Whately in the note to the above passage.

The object of the next chapter, on the Discovery of Truth, is to inquire, how far reasoning, that is, syllogism, affords the means by which any new truths are brought to light. The author was incited to this inquiry by the frequency of the accusation against logic, that it is wholly unserviceable in the investigation of truth: he refutes this imputation most triumphantly, and his ideas on the entire subject are philosophical and just. He says, that it is true, reasoning does not enable us to discover truths which were not implied and contained in any thing previously known; but that many truths, virtually involved in propositions which we have already assented to, might practically, unless elicited by a process of reasoning, have remained for ever as completely unknown, as if they did not result from the knowledge we previously possessed. Of this fact, the whole science of mathematics is a perpetual proof. All geometry is in reality implied in the axioms and definitions, and all mechanics in the three laws of motion, and that of the composition and resolution of forces; but if it had not been for the ratiocinative process by which we compel these elementary truths to bring forth the fruit which is in them, they would have remained for ever barren; mankind would, it is true, in a certain sense, have possessed these magnificent sciences, but no otherwise than as the ore in an undiscovered mine is possessed by the owner of the ground wherein it lies.

Metaphysicians have found it a very difficult problem, to explain on philosophical principles this seeming paradox; to prove that possible, which experience certifies to be true; that mankind may correctly apprehend and fully assent to a general proposition, yet remain for ages ignorant of myriads of truths which are embodied in it, and which, in fact, are but so many particular cases of that which, as a general truth, they have long known. We do not think that our author has advanced much nearer than his predecessors to the solution of the mystery: but he has illustrated the fact itself most elegantly and instructively; and that person must be far advanced in this kind of knowledge, who can read the chapter without deriving from it an important addition to his stock of valuable ideas.

The same remark applies, though in a less degree, to the two

succeeding chapters, on "Inference and Proof," and on "Verbal and Real Questions." In the first of these, our author points out the distinction between the function of the philosopher, and that of the advocate; of him who combines together premises with no other view than that of arriving by means of them at *some* new and useful conclusion, and him whose conclusion is given, and who has to seek for premises, by the combination of which, he may be enabled to demonstrate *that* particular conclusion and no other. In the next chapter, Dr. Whately defines more clearly and in more precise and logical language than former writers, the distinction between what are called Verbal, and Real, questions. His remarks on this subject, when once stated, appear almost too simple to require statement; but the frequency with which differences affecting merely the application of a word, are mistaken for real diversities of opinion respecting matters of fact, and the latter in their turn (for this too is no unfrequent case) stigmatized, from a misapprehension of the point at issue, as merely verbal disputes, renders the clear statement of the distinction, however obvious it may appear, no unimportant service.

Lastly, Dr. Whately enters into an examination of the notion of the Realists, that genera and species are real things, having an independent existence; that to every general name there corresponds an actually existing thing, distinct as well from the individuals contained in the class, as from the qualities belonging to these individuals, which were the occasion of their being formed into a class. Dr. Whately observes, and his experience is borne out by our own, that although few persons, if any, in the present day, avow and maintain this doctrine, those who are not especially on their guard are perpetually sliding into it unawares; and he proceeds with much acuteness to set forth several circumstances not previously noticed, which have contributed in no trifling degree to the prevalence of this error.

We have now brought our critical observations on Dr. Whately's work to a close. But we cannot dismiss the subject, without expressing a hope that the powers of philosophizing, of which he has afforded an earnest in this work, may not lie idle, nor be diverted to any other subject, until he has accomplished some part of what is still wanting to the elucidation of this. A large portion of the philosophy of General Terms still remains undiscovered; the philosophical analysis of Predication, the explanation of what is the immediate object of belief when we assent to a proposition, is yet to be performed: and though the important assistance rendered by general language, not only in what are termed the exact sciences, but even in the discovery

of physical facts, is known and admitted, the nature of the means by which it performs this service is a problem still to a great extent unsolved. Let Dr. Whately carry to the investigation of these subjects, the knowledge he possesses of the science which he has so usefully expounded, together with the acquaintance, which he either possesses or might acquire, with the discoveries of modern metaphysicians in this field of inquiry, and we feel confident that he would produce a work which would contribute even more to the advancement of knowledge, and entitle him to still higher permanent fame, than the excellent Treatise, of which we here close our examination.

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ART. VIII.—1. *Anatomie Comparée du Cerveau dans les Quatre Classes des Animaux Vertébrés, appliquée à la Physiologie et à la Pathologie du Système Nerveux.* Par E. R. A. Serres. A Paris.

2. *Anatomie des Systèmes Nerveux des Animaux à Vertébrés appliquée à la Physiologie et à la Zoologie; Ouvrage dont la Partie Physiologique est faite conjointement avec F. Magendie.* Par A. Desmoulins. A Paris.

3. *The Anatomy of the Brain, with a General View of the Nervous System.* By G. Spurzheim, M. D. Translated from the unpublished French MS. by R. Willis. With Eleven Plates. London. 4to. Highley, Fleet Street.

4. *An Introduction to the Comparative Anatomy of Animals, compiled with constant reference to Physiology, and elucidated by Twenty Copper Plates.* By C. G. Carus, translated from the German by R. T. Gore. London. Longman. 8vo.

IT is not our intention at present to enter into an examination of the merits of the works which we have placed at the head of this paper. Their reputation is too well known to all who could take any interest in such a criticism, to render it necessary. The distinguished men to whom we are indebted for these valuable productions are universally recognized as among the most zealous and successful cultivators of anatomical and physiological science. Not that these works are, by any means, of equal value, nor that each has contributed a like share to our stock of knowledge: but each has, in some degree, advanced the science which he has cultivated; and the works, the titles of which we have transcribed, and which severally contain its author's own account of the result of his labours in his respective department, have shed so much light on some parts of the animal economy that had hitherto been involved in the deepest obscurity, that the science has assumed a new aspect. It appears to us that all the facts may be rendered perfectly

intelligible to the general reader, and that they are of a nature to interest all who feel any curiosity about the structure and functions of their own frame; that is, about the mechanism by which they live, and move, and perceive, and suffer, and enjoy.

Of all the parts of the animal frame the most curious and important, without doubt, is the Nervous System. In the higher animals this system is extremely complicated. It is a long time before the anatomical and physiological student obtains a clear and comprehensive conception of that knowledge of it which is within his reach: to render it in any degree intelligible to the unprofessional reader has been deemed hopeless: and it is certainly very difficult, not because he may have no previous knowledge of the subject, but because the subject is one which can be properly treated only in a demonstrative manner, and properly studied only by examining the object itself by means of anatomical preparations. Still, however, if we are not mistaken, such an account of the matter may be given, as the general reader can understand in a good degree, at least so far as to enable him to comprehend the facts which have been ascertained relative to the functions of the system, and to judge of the soundness of the conclusions which have been deduced from a comparison of those facts. We shall endeavour to put him in possession of both, and with this view we shall consider first the structure, and secondly, the functions, of the nervous system. The account we are about to give must be very brief, and, it must be owned, very superficial; but, if we succeed in awakening any attention to the subject, it will be easy to find the means of obtaining more minute information.

The nervous tissue consists of a substance which is quite peculiar. It is unlike any other constituent part of the animal body. Wherever it exists, it is found to exhibit nearly the same properties, both physical and chemical. As far as the eye can judge of its composition, it appears to consist of two substances which are entirely distinct from each other. The one is sometimes named, from its colour, cineritious or gray, or, from its position, cortical; the other is termed white or medullary. The distinguishing character of the cineritious or cortical substance does not consist in its colour, but in its consistence. It is essentially pulpy or gelatinous. Its colour varies from deep brown to ash-grey. Its consistence is much softer than that of the medullary substance. On dessication it leaves a much smaller quantity of solid residuum. It contains a far greater number of blood-vessels. Anatomists of great eminence maintain that it consists entirely of a tissue

of blood vessels; but injections demonstrate that, besides blood vessels, there does exist in it a substance of a peculiar nature. The correct statement, therefore, is, that an immense number of blood-vessels enter into its composition. In the higher animals it is found in every part of the nervous system, never of itself composing a separate portion of it, but invariably existing in union with the white substance.

The white or medullary substance is of much firmer consistence than the cineritious. The peculiar matter of which it is composed is arranged in the form of minute and delicate fibres. Fibrousness is its essential character. A violent controversy has been agitated among anatomists relative to its real structure in this respect; but the discussion has ended in the very general admission that the medullary portion of the nervous system is essentially fibrous. If a mass taken from any part of the system, from the brain, for example, be scraped with a blunt instrument in the direction of its fibres, the fibres become perfectly apparent to the naked eye. By preparing it in a certain manner this structure becomes still more visible, by boiling it in oil for example, or by macerating it in the diluted nitric or muriatic acids, or by digesting it in alcohol, or by freezing it. The effect of all these preparations is the same, namely, to harden the fibres, in consequence of which their existence and arrangement become more apparent.

We have already stated, that in the more perfectly organized animals every portion of the nervous system which constitutes a distinct nervous apparatus, consists of a combination of both substances. The pulpy substance alone never forms a distinct organ: it is highly probable that the same is true with regard to the fibrous; the union of both appears to be necessary to constitute an instrument capable of performing a particular function.

In all the more perfect animals the nervous substance is disposed in four different modes, so as to form four distinct parts or organs; namely, nerves, ganglia, which may be considered as appendages to particular nerves, the spinal cord, and the brain.

A nerve is a cord of a whitish colour, composed of fibres of nervous matter enclosed in membranous tubes. These fibres, as soon as they become visible to the naked eye, are found to differ in size from that of a hair to the finest fibre of silk. In their course down the nerve they divide and subdivide, and again unite in the most varied manner. A number of these fibres uniting, form the larger bundle or fasciculus. The fasciculi divide and unite in a similar manner to the fibres. The

aggregation of a multitude of fasciculi constitutes the cord to which the term nerve is given.

Every nervous fibre is enclosed in a tube composed of delicate cellular tissue. This membranous tube is termed the neurilema: in like manner every fasciculus is enclosed in a distinct sheath, composed of the same tissue; and lastly the nervous cord itself is enveloped in a separate cellular covering. Thus there is a distinct membranous tube for containing the nervous matter of the fibre, of the fasciculus, and of the cord itself. The tube may be entirely separated from the nervous matter, and the nervous matter from the tube; the first by maceration in the solution of an alkali; the second by maceration in a diluted acid, as the muriatic.

Thus prepared, the structure of a nerve is easily demonstrated: it is then seen to be composed of a number of fasciculi, which, like those of the muscles, may be divided into fibres more and more minute, until at length we arrive at the primitive or ultimate filament. In the opinion, that there is a minimum size, beyond which the nervous filaments do not divide, the most eminent anatomists are agreed. These filaments do not, like blood-vessels, go on dividing and subdividing until from their extreme minuteness they can no longer be traced; but the diameter of the smallest, into which the larger can be resolved, appears to be quite uniform. According to Fontana, it is about twelve times greater than that of the ultimate muscular filament. With the account of Fontana, that of Prochaska, Monroe, and the more late and accurate descriptions of Reil, agree in every important particular. The latter anatomist is quite positive in stating, that the ultimate nervous filament is visible, and agrees with Fontana in representing it as much larger than the primitive muscular filament.

Ganglia are small knots of nervous matter placed along the course of particular nerves. They are chiefly, though not exclusively attached to the nerves of the abdomen and thorax. They are composed both of cineritious and of medullary matter. They differ from nerves in being of a firmer consistence; in being enveloped in a denser membrane; in being more copiously supplied with arteries, and hence in possessing a redder colour.

The most eminent anatomists are agreed, that three remarkable circumstances distinguish the nerves that pass through ganglia: First, that such nerves are larger when they issue from than when they enter the ganglion; that they receive in the organ an additional quantity of nervous matter. Secondly, that the filaments of the different nerves within the ganglion are merely in

juxta-position; that they proceed immediately through it without interruption; and are merely twisted together into an irregular bundle. Thirdly, that in their passage through the ganglion filaments are given off from the different nerves, which appear to unite within the organ, and thus to form new nerves. These circumstances indicate, that ganglia are mechanical contrivances, by which an intimate communication is established between all the different nerves which enter into these bodies, and which are in connection with them, without the different nerves being absolutely lost in each other, by a complete blending of their substance.

The spinal cord and the brain are large central masses of nervous matter, with which all the nerves of the body are directly or indirectly in communication. Both organs are invested in membranes; both are composed of a mixture of the pulpy, and of the fibrous matter; in both the fibrous structure is perfectly apparent, and in both the fibrous matter greatly preponderates.

One of the most remarkable circumstances connected with the structure of the brain is the prodigious quantity of blood which is transmitted to it by the arteries. According to the calculation of Haller, one fifth of all the arterial blood of the body, is sent directly to the head, although the weight of the brain in the human subject is not more than one fortieth part of that of the whole body. If, as most anatomists think, this estimate be too large, and it be reduced to one tenth, according to the calculation of Monroe, still the quantity of blood, which even in this case is sent to the brain, greatly exceeds in proportion, that which is sent to any other organ.

When submitted to examination, the chemical composition of the nervous tissue is found to be the same from whatever part of the body it be taken. It consists of a peculiar chemical compound, unlike any other constituent of the body. It contains a large portion of adipocerous matter; a small quantity of the peculiar animal principle termed osmazome; some albumen; a small portion of phosphorous, and some saline substances; namely, the phosphates of lime, of soda, and of ammonia. It is remarkable, that it appears to contain little or no azote.

Of its elementary structure, we have already spoken. It consists, as has been stated, of a series of globules, which have the same appearance, and are of the same magnitude, as those which compose the other primitive tissues.

These general facts relate only to the nervous system as it is found in the more perfect animals. It was formerly supposed

that there was the same complexity of structure in the lowest, as in the highest, animal. It was even imagined, that the minutest and the simplest being possessed every faculty that belongs to any animal, only in a less perfect degree. A more careful examination of nature has shown the incorrectness of this opinion. On looking deeper into her plan, it is found, that the progress of the animal frame from its state of greatest simplicity to that of its highest complexity is remarkably gradual. There is nothing, indeed, more wonderful than the strictness with which that progression is graduated. We have seen, that the structure of the vegetable is much more simple than that of the animal, and we have shown the reason why the organization of the latter must necessarily be more complicated than that of the former. We have seen that the animal is distinguished from the vegetable by the possession of two additional faculties; namely, those of sensation and of voluntary motion; and that the gradual complication of the animal frame arises from the more perfect provision which is successively made for the more perfect exercise of these functions; it being a general law of the animal economy, that the more extensively and perfectly any function is exercised, the more complex the apparatus becomes by which it is performed.

In general, there is a certain relation between the extent and perfection of the faculty of motion and that of sensation. As we rise successively in the animal scale, we see that any advancement in the one is accompanied by a proportionate advancement in the other, although the faculty of motion must be considered as less distinctive of animal life, than that of sensation, because there are examples, where the one appears to be enjoyed in high perfection, in which very little of the latter can be supposed to exist, as in the lowest orders of the infusoria.

The first indication of advancement in organization is separation of structure. In animals placed at the bottom of the scale, all the functions they exercise both vegetative and animal, as far as it is possible for us to judge, are performed by one uniform substance. Gradually the homogeneity of the mass, of which the body is composed, ceases, and a distinction of tissue becomes visible. One tissue constitutes the apparatus by which one faculty is performed, and another tissue composes the organ by which another faculty is performed. This separation of tissue for the purpose of exercising a specific function is first and most clearly seen in the apparatus for motion; yet, until we ascend a considerable way in the animal scale, the simplicity of the contrivances for accomplishing motion, whether that which relates to the movement of the animal from place to place, or

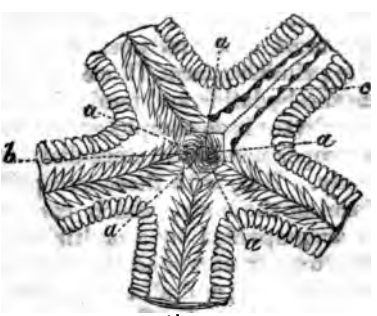
that which relates to movements proper to the body itself, are truly remarkable. In some of the orders of Zoophytes, locomotion seems to be chiefly if not entirely of a passive kind. The Medusæ, for example, the body of which is almost of the same specific gravity with water, are moved from place to place by the waves. In some instances, the motion communicated by the waves is assisted by the influence of the winds, as in the holothuria *physalis*, which appears to sail on the surface of the water. In other orders, this faculty appears to possess more of a voluntary character. Some of the polypi, as the hydra, perform a progressive motion by alternately fixing the head or tail, while the infusoria, which are placed at the very bottom of the animal scale, perform varied and complicated motions by means which have not been ascertained. In these simple beings, the movements proper to the body are so simple, that they appear to be nearly coincident with those of plants. The arms of polypes, when stimulated, retract towards the centre of the body in a manner remarkably similar to the mode in which the stamina of flowers retract towards the stigma, or the lateral parts of the dionea muscipula, towards the more sensitive centre. The animal blossoms of the Gorgoniæ, of the Sertulariæ, and so on, contract and fold themselves together precisely in the manner we observe in the leaves of the mimosa sensitiva, and in many flowers which close themselves either during day-light, or previously to the coming on of night, or of bad weather. The changes perceptible in the forms of the infusoria, whose bodies appear to consist of little membranous cells, partially filled with lymph, may be supposed to be produced by the various degrees in which this fluid is collected at one or other point of their bodies. The arms of polypes are, in fact, tubes, which are filled with fluid, and which expand near the body into small cavities. These cavities when contracted, necessarily propel the fluid into the arms, thus producing their elongation: their retraction, on the contrary, is effected by the contraction of the tube, and the consequent regurgitation of the fluid into the cavities at its base.

Such are the simple expedients by which animal motion is performed in the lowest orders of beings. There is no substance distinct from the common mass of the body by which the function is exercised. The most careful anatomical investigation of that mass has hitherto failed in detecting in it any thing but a perfectly uniform gelatinous substance. Trembly has diligently examined with the microscope the common ditch polype. Gade has carefully dissected the larger species of the Medusæ; nothing like muscular or nervous fibres could be

detected. Thin layers of the Medusa *aurita*, when powerfully magnified, presented nothing but a uniform gelatinous mass. This uniformity of composition is found in the greater number of zoophytes, in the infusoria, polype, corallia, sponges, medusæ, and holothuriæ. In the actiniæ, echini, and asterias, some distinction of tissue begins to be apparent. A substance which may be conceived to form the organs of motion, and a different substance, which may be supposed to be nervous matter, are distinguishable. Still, however, as we shall see immediately, the true nature of these substances is doubtful, and neither muscular nor nervous fibres can be traced with certainty, until we come to the articulata and the mollusca.

Cuvier was the first to remark that a whitish thread-like ring surrounds the commencement of the esophagus in the asterias, the sipunculi, and some holothuriæ. He suspected that these threads were nervous filaments. Spix instituted a series of galvanic experiments on these animals, which appeared to remove all doubt as to the nature of these fibres. As far as investigation had yet reached, we were thus taught to look in this class for the first definite existence of the nervous system. More recently, Tiedemann has described in the asterias, a nervous circle beneath the stomach, whence proceed five large, and ten small, nervous branches, for the five rays of the body [See *fig.* 1.], which exhibits the under surface of an asterias; *a* shows the nervous circle around the mouth; *b* the smaller; *c* the central larger nervous branches to the rays of the body. Spix also found on the under surface of the body in the actiniæ, several ganglia arranged around the base of the stomach, whence several nervous threads radiated to the other parts of the body. Tiedemann, however, has lately endeavoured to show that the fibres in question are not of a nervous, but of a tendinous nature; and Cuvier, in first describing these parts in the asterias, mentioned their tendinous appearance, and intimated his doubts of their nervous character.

*fig.* 1.




If the filaments in question shall ultimately appear really to consist of nervous matter, the first appearance of the nervous system will be found precisely in the situation in which the physiologist might expect it to be placed. In Zoophytes, the

most important part of their organization consists of a cavity placed in the middle of the body, which performs the different functions of the stomach, the heart, and the sexual organs of the higher animals. Now the fibres in question constitute a circle, which is placed around this central cavity, and from which branches radiate to supply all the parts of the body. When nervous fibres become distinctly visible, and indicate unequivocally their true nature, it is certain that the arrangement which actually exists is precisely similar to this. A nervous circle placed around the commencement of the esophagus constitutes the most uniform, and the most important, part of the nervous system in the whole of the first division of the animal kingdom, that is, in all intervertebral animals.

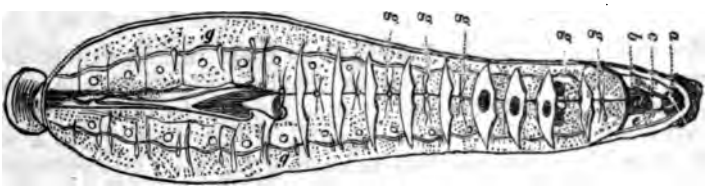
The form of the nervous system, then, when it first becomes visible, may be considered as a circle of nervous matter placed around the more important organs, from which filaments proceed to be distributed to these, and to all parts of the body. [*fig.* 1. *a.*] This, therefore, may be considered as the primitive type of the nervous system. In the further development of this fundamental type, the primitive form is not lost, but it is modified according to the diversity of the general organization of the animal. Thus in the articulata the class above the zoophytes, the most essential portion of the nervous system still retains the primitive form, if we except the lowest of its genera, such as the hydatids and tænia, in which the transition to the class of zoophytes is so complete, that they can scarcely be said to possess a proper nervous system distinct from the common mass of the body. But, with these exceptions in the articulata, the jointed form of the body, which constitutes the character of the class, is accompanied by a multiplication of the nervous rings; these continue to surround the alimentary canal; a ganglion is added to each ring, and all the ganglia are connected together in a continued chain.—*fig.* 2.

*fig.* 2.

In the leech the body is composed of several segments; each segment appears to be a repetition of that which precedes it; each segment possesses a separate intestinal expansion, or stomach; a separate set of vessels; separate respiratory bags, and separate sexual organs. On this account each segment of the body may be almost regarded as a separate individual. In conformity with this structure, each segment possesses a separate nervous ganglion, with its nervous circle. On the dorsal surface

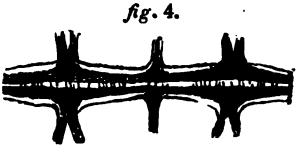
of the body, immediately above the superior extremity of the esophagus, there is a small ganglion, consisting of two lobes, which gives off nerves to the surrounding parts. This is considered analogous to the brain of the higher animals, and is termed the cerebral ganglion. Beneath the cerebral there is another ganglion of a roundish figure, which is connected with the former by a nervous circle that surrounds the esophagus. Each succeeding nervous circle is precisely similar to the first. The ganglia which compose the series consist of about twenty in number, and they are connected with each other by means of a double nervous cord [*fig.* 3.]. *a*, the cavity of the mouth opened; *b*, cavity of the pharynx; *c*, cerebral ganglion above it; *g*, *g*, *g*, *g*, chain of ganglia.

*fig.* 3.



In the earth-worm (lumbricus terrestris) the esophagus is embraced by a similar nervous circle, composed of a central ganglion, consisting of two lobes, and of a ganglion below it, consisting of a single lobe. From the inferior ganglion proceeds a nervous cord, which is no longer double, but single: it extends along the abdominal surface of the whole body, without actually forming any distinct ganglia, but merely swelling a little from space to space; two pairs of nerves uniformly proceed from each swelling, whilst, on the contrary, each intermediate smaller part gives off one pair only—*fig.* 4.

*fig.* 4.

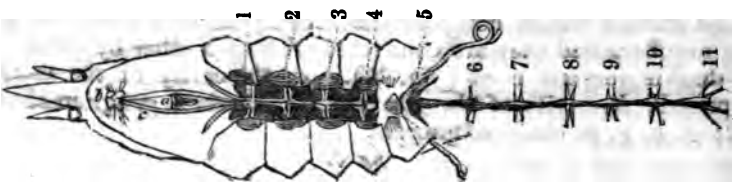


This is the first advancement in structure, and it is remarkably curious, from the ease with which the transition is made to the organization of the higher animals. In the consolidation into one, of the two fibres connecting the chain of ganglia, and in the less distinct separation of the ganglia themselves, there is an obvious approximation to the form of the spinal cord of the superior animals.

In the crustacea, the body is in every respect more perfectly organized than in the preceding classes. The structure of the nervous system advances proportionally. This class of animals is particularly distinguished for the possession of separate nerves, appropriated to the different senses. In the craw-fish, for ex-

ample, the cerebral ganglion is divided into four lobes, from which arise four large nerves, the optic, the auditory, and the olfactory, together with those of the antennæ [*fig.* 5.]. *a*, the esophagus; *b*, the cerebral ganglion giving off its nerves on each side; *c*, the nervous collar or circle of the neck with a pair of nerves arising from each side; the remaining eleven ganglia are designated by figures.

*fig.* 5.




In Insects, infinitely diversified as their various genera are, the type of the nervous system remains essentially the same throughout the whole class, and is similar to that of worms. It still consists of a chain of ganglia; but these ganglia are larger and fewer in number, indicating a greater concentration of the nervous system. It is remarkable, however, that this advancement in organization is the ultimate result of the several metamorphoses which the animal undergoes; it is found only in the perfect insect; in the state of larva, the nervous system in general coincides altogether with that of worms.

In the mollusca, the class above the articulata, which in some respects and in some of the genera indicate a higher organization, the nervous system is still more concentrated. The most essential portion of it still consists of a nervous circle, surrounding the commencement of the alimentary canal: but this nervous circle is larger; the cerebral ganglion is more developed, and its superior surface exhibits evident longitudinal striæ, thus approximating it more nearly to a true brain. All these circumstances are well seen in the nervous system of the sepiæ, in which the concentration is obviously much greater than in any of the preceding classes. It is very remarkable too, that these animals afford the first rudiments we find of a true skeleton. This rudimentary skeleton consists not of an osseous, but of a cartilaginous tissue. It performs the primary and fundamental office of a skeleton, that of affording a protection to the delicate central nervous masses. It appears under the form of a cartilaginous ring, which surrounds the nervous circle, and completely protects it; it also receives and protects the cerebral ganglion, which is placed in a grooved depression on its internal surface; the esophagus passes through its centre, and the cartilage itself is pierced in several points for the transmission of nerves from

the nervous circle.—*Fig.* 6 represents the cartilage of the head with the cerebral ganglion: *a*, the cerebral ganglion; *b*, nervous collar around the œsophagus; *d*, optic nerves; *e*, their ganglia and ramifications; *f*, the eye; *g*, *k*, nerves of the viscera and cloak; *h*, little auditory sac, with the auditory nerve; *i*, the cavity for the labyrinth in the cartilage of the head; *l*, *m*, the orbits.

*fig.* 6.

Such are some of the most remarkable characters which distinguish the nervous system of intervertebral animals. Many attempts have been made to establish the true relation between the nervous system in this great division of the animal kingdom, and that of vertebral animals. Among the various suggestions on this point is that of Ackermann and Reil, who viewed the nervous system of the articulata as corresponding to the sympathetic system of vertebral animals. Walther compared it in the articulata to the spinal nerves, and in the mollusca to the par vagum. The most generally received opinion is that supported by the authority of Meckel, Cuvier, Blumenbach, Gall, and Spurzheim, who compare it in the articulata to the cerebro-spinal cord of vertebral animals. Gall and Spurzheim have endeavoured to establish the correctness of this view, by professing to demonstrate that the spinal cord of the superior animals actually consists of a series of ganglia, with intermediate contractions, a structure fully developed in the articulata. Rudolphi, in confirmation of the same opinion, notices the fact, to which we have already adverted, that in the crustacea, in insects, and in the mollusca, we find nerves of sense arising from the cerebral ganglia which by no means accords with the character of the sympathetic system.

There is an obvious and striking character by which the nervous system in the highest class is distinguished from that of all the tribes of animals below it, namely, the great degree of concentration which it experiences. In all the animals which belong to this class, the nervous system is invariably formed into two great masses, termed the spinal cord and the brain. These central masses are uniformly separated from all the other viscera of the body, and are included in distinct coverings. The coverings themselves are either membranous, cartilaginous, or bony; often the whole are combined. The covering which invests the brain is termed the cranium; that which encloses the spinal cord is called the vertebræ. The vertebræ taken together form an extended column. With this column is connected a general conformation of the body in all the tribes of

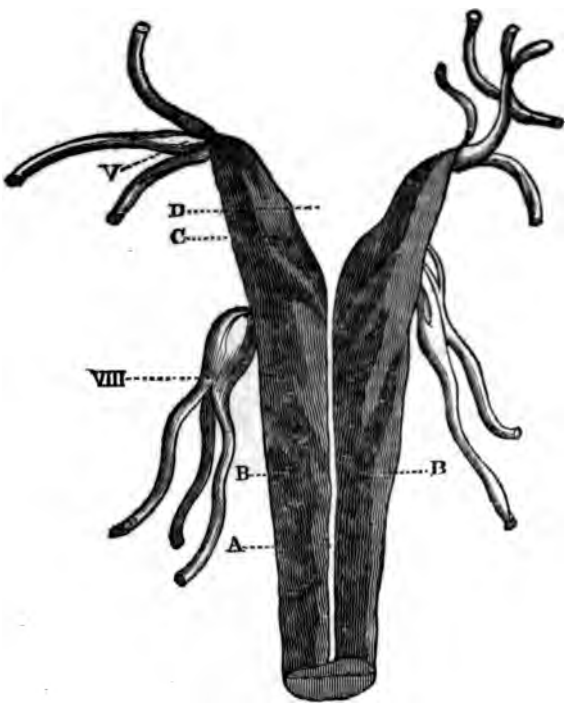
animals that possess it, so perfectly analogous and so highly important, that it affords a character by which to divide the whole animal kingdom into two great classes, the animals which possess it being termed vertebral, and those which are destitute of it being called intervertebral. The peculiarities of organization uniformly connected with a vertebral column relate to the two great functions which have been assigned as peculiar to animals; those of sensation and of voluntary motion. In all the animals which possess this chain of bones, there is found a certain degree of similarity in the structure of all the organs of sensation and of voluntary motion; and the reason of this analogy is, that the vertebral column and the cranium afford an envelop to the central masses of the nervous system, by which this delicate substance is protected, at the same time that they furnish a strong support to the muscular system, by means of which the muscles are enabled to perform their proper actions.

The possession of a spinal cord is invariably combined with the possession of a nervous mass, termed the brain. In like manner a vertebral column, and a head properly so called, are uniformly found in conjunction, because these osseous envelops form the walls of the two cavities which contain these central portions of the nervous system, and which protect their tender substance.

Among vertebral animals, those which indicate in the general conformation of the body the most simple structure are fishes. Fishes are therefore placed at the bottom of the class of the vertebratæ. Rising by a great advancement in organization above the mollusca, they possess almost every important organ and function with which the highest animals are endowed: but several of these are still so simple and rudimentary, that the general structure of their body may be considered as the least perfect of their class. In like manner their nervous system is the most simple, that is, it contains the fewest parts, and the structure of these is the least complicated. It consists of a spinal cord, of a brain properly so called, and of filaments of nervous matter, constituting nerves, in communication with both. In this enumeration are contained all the elements which are found in the organization of the nervous system of the most perfect animals. The spinal cord extends the whole length of the vertebral canal. It is of pretty uniform bulk until it reaches the caudal fin, where it begins gradually to diminish. It consists of an abdominal and of a dorsal surface. On its dorsal surface is observable a furrow, which enters deeply into the substance of the cord, and is said to divide it into two equal portions, termed its lateral fasciculi [*fig.* 7. A.]. These correspond, as we shall see immediately, to the restiform cords of the higher animals.

The spinal cord in all fish enlarges considerably, and for some extent at its summit. The space comprehended by this enlargement is bounded posteriorly by the insertion of the eighth pair of nerves [*fig.* 7. viii.], and anteriorly by the insertion of the fifth [*fig.* 7. V.]. It is termed the lobe of the fourth ventricle [*fig.* 7.

*fig.* 7.




C.]; it corresponds to the medulla oblongata of the higher animals.

In all fish the spinal cord is hollow, and it remains hollow during the whole period of life. The calibre of its canal differs considerably in different fish. In all it is obliterated after death by the collapse of its walls, which are always found contiguous to each other.

In all fish the spinal cord is remarkably small. Tiedemann states, that he has examined it with care in fish which weigh one hundred and fifty pounds; he found that it equalled scarcely the sixth part of the spinal cord of a human adult. Yet, small as it is in absolute bulk, it is very large, compared to the magnitude of the brain. There is a certain relation between the volume of the spinal cord and that of the brain in all animals,

The more the volume of the brain exceeds that of the spinal cord, the higher the animal is placed in the scale of being. In general, as we descend, the spinal cord is large, and the brain small.

From the insertion of the eighth pair of nerves, the two lateral fasciculi of the spinal cord separate from each other, and leave a space between them [*fig.* 7. D.]. This space, or fissure, as such a space is termed, corresponds to the fourth ventricle of the higher animals; it is nothing but the continuation of the canal of the spinal cord, dilated at this part by the divergence of the lateral fasciculi.

In tracing the progressive advancement of the nervous system from the zoophyte up to fish, we have seen that that advancement consists chiefly in the gradual concentration of the several parts of the system. Great as that concentration is in fish, compared with all the tribes of animals below it, still, even in this class, in which, for the first time, we find a structure which bears any true resemblance to that of a brain, the organ by no means consists, as in the higher animals, of a combination of individual portions, the whole constituting a single body, but of several bodies distinct from each other. It is composed of a series of ganglia, some of which are single, and are placed directly on the medium line of the body [*fig.* 8. 3.]; others are

*fig.* 8.

*fig.* 9.

*fig.* 10.

double, and are placed along the medium line in pairs [*fig.* 9. 2, 3.]. No fish has less than five of these bodies [*fig.* 8.], and none more than seven [*fig.* 10.]. These ganglia differ from each other in the different genera of fish, in almost all the circumstances in which objects can differ—in number, in volume, in figure, in structure; but they all agree in the following important points—in being composed of the same substance, in maintaining the same relative position, and in preserving the same connections.

Of these ganglia one is always found immediately before the medulla oblongata, covering the fourth ventricle; it is generally single [*fig.* 9. 1.]. Anteriorly to this are two which invariably form a pair [*fig.* 9. 2.]: in front of these are two others which sometimes form a pair, as in the cod [*fig.* 9. 3.]: at others a single ganglion, as in the skate and shark [*fig.* 8. 3.]. Still more anteriorly are found in some genera two other tubercles; these, when they exist, always occur in pairs.—*fig.* 8. 4. *fig.* 10. 5.

It is quite certain that if we examine the adult brain of the superior animals, we find nothing analogous to these ganglia. To what, then, can they be compared? What principle can be adopted in determining their nature? Both these points have given rise to violent controversy, which has been attended with the advantage of inducing some of the most distinguished anatomists to undertake a careful, and therefore exceedingly laborious, investigation, in order to settle these questions. The conclusions to which Arsakey, Tiedemann, Serres, and other eminent investigators have come, together with the chief reasons which have determined their opinion, are the following:—

It is found that the posterior single tubercle or ganglion corresponds to the cerebellum of the higher animals, and it is termed the lobe of the cerebellum [*fig.* 9. 1.]. It is conceived to be analogous to this organ; first, because it is always found in a position similar to that which the cerebellum occupies in all vertebral animals; it always immediately succeeds the medulla oblongata; and it always covers the fourth ventricle: secondly, because its connections are similar to those of the cerebellum; it is always connected posteriorly with the medulla oblongata, and anteriorly with the optic lobes, or the anterior tubercula quadrigemina of the higher animals.

The cerebellum of fish is considerably larger than that of the analogous organ in reptiles, the class immediately above it. It differs exceedingly, both in magnitude and figure, in the different genera of fish, but it invariably preserves the same position and the same relations. Its figure is commonly triangular, or rather tongue-shaped [*fig.* 9. 1.]. It is so in the whiting, perch, cod, and many others. Sometimes, however,

it is semilunar, as in the pike; or round, as in the carp; or oval, as in the shark. In general it consists of a single leaf of medullary substance; it is always hollow; its cavity is termed the ventricle of the cerebellum; its surface in all osseous fish is smooth; in many cartilaginous fish it is furrowed, and in the shark these furrows are so numerous and deep, that they may be said to divide the organ into so many distinct leaves, and thus to render it very analogous to the cerebellum of the higher classes.

The two ganglia which immediately succeed the lobe of the cerebellum are termed the optic lobes [*fig.* 9.2.]. They are supposed to be analogous to the anterior tubercula quadrigemina of the higher animals; first, because the optic nerves are always inserted into them, as these nerves in the higher animals are always inserted into the anterior tubercula quadrigemina. The volume of these lobes in fish is invariably found to be in proportion to that of the optic nerves, and it is from their relation to those nerves that they derive their name. Secondly, because the tubercula quadrigemina of the fœtus of the higher animals in a certain stage of their evolution bear an exact resemblance to the optic lobes as they are found in the adult fish. This curious fact will be illustrated hereafter.

The optic lobes in all fish are two in number; they are always hollow, and they remain hollow during the whole period of life: their cavity is termed the ventricle of the optic lobes. In osseous fish each lobe consists of two leaves: the external is composed of grey matter, the internal of white, and the optic nerve is a direct continuation of the internal white leaf. In cartilaginous fish each lobe consists of a single leaf only; but its internal surface is covered with a layer of grey matter.

The bodies placed anteriorly to the optic are termed the cerebral lobes [*fig.* 9.3.]. They are supposed to be analogous to the cerebrum or the brain proper of the higher animals; first, because in all animals the cerebrum is placed anteriorly to the tubercula quadrigemina, and the tubercula quadrigemina to the cerebellum; secondly, because there is a perfect resemblance between the fœtal state of the cerebrum of the higher animals in a certain stage of their evolution, and the permanent state of the cerebral lobes of fish; thirdly, because in the higher animals the pineal gland is always placed between the tubercula quadrigemina and the cerebrum. It is contended by Serres, although the fact is questioned by other anatomists, that the pineal gland exists in some fish, as the eel; and that whenever it is present it is invariably found in the same relative situation, that is, before the optic, and behind the cerebral, lobes.

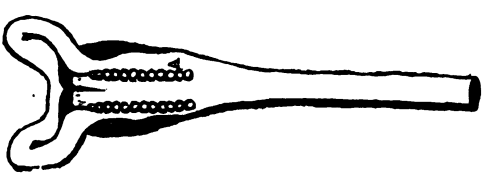
In osseous fish the cerebral lobes are two in number [*fig.* 9. 3.]; in cartilaginous fish they generally form a single mass, the figure of which is commonly irregularly quadrilateral, as in the ray [*fig.* 8. 3.]; but sometimes it is ovoid, as in the shark. They are always solid, and are composed almost entirely of grey substance.

The bodies found in different species of fish anteriorly to the cerebral lobes [*fig.* 10. 5. *fig.* 8. 4.], and which, for the reason already assigned, are termed olfactory, have nothing analogous to them in the highest class of vertebral animals. We shall see hereafter that they are peculiar to fish, and to the two classes which immediately succeed them. Whenever they exist, both in osseous and cartilaginous fish, they are always two in number. In osseous fish they are in immediate contact with the cerebral lobes, as in the gurnard and the eel [*fig.* 10. 5.]. In cartilaginous fish they are placed at a distance from the cerebral lobes, and are united to them by a pedicle, as in the ray and the shark. —*fig.* 8. 4.

At the base of the brain of fish are found certain bodies which are of little importance, and which it is not necessary particularly to notice in the brief sketch we are endeavouring to exhibit.

To the ganglia which have been described there are added, in different species of fish, other smaller tubercles. These vary so much in number, volume, situation, and connection, that there are not two species in which they are alike. They are named from the situation in which they are placed, and hence are termed tubercles of the medulla oblongata, tubercles of the fourth ventricle, and so on. In the gurnard there are placed along the medulla oblongata a double row of these tubercles [*fig.* 11. A]. In the cod there are found in the front of the

*fig.* 11.

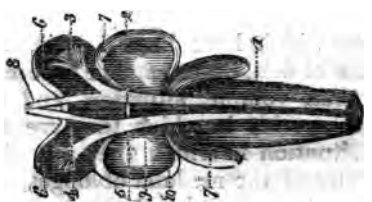



fourth ventricle two large tubercles. In general these bodies consist almost entirely of grey matter. They are added to other parts of the brain, where new organs are given to the fish, or where similar organs are more than usually developed. Thus in the gurnard, or flying fish, the nerves which are distributed to the muscles of the ventral fins, which in this fish

are exceedingly numerous and large, are inserted into the series of tubercles that are arranged, as we have seen, along the medulla oblongata. In the torpedo the nerves which are distributed to the electrical apparatus are inserted into two large tubercles which are found in the fourth ventricle. These bodies appear, therefore, to be additions of nervous substance, provided for the purpose of increasing the nervous power wherever the peculiar organization of the fish requires a more than usual supply of it.

In many fish there is nothing in the least analogous to what are termed the commissures of the brain in the higher animals; that is, to the threads or layers of nervous matter by which all the different parts of the brain are brought into intimate communication with each other. In general the structure of the brain is so simple, and its different parts are so immediately continuous with each other in this class, that no additional apparatus for bringing them into connection is required; yet in some genera there are found transverse cords which appear perfectly to resemble the commissures of the higher classes. An example of these is represented in the dissected brain of the cod.—*fig.* 12. 2.

*fig.* 12.



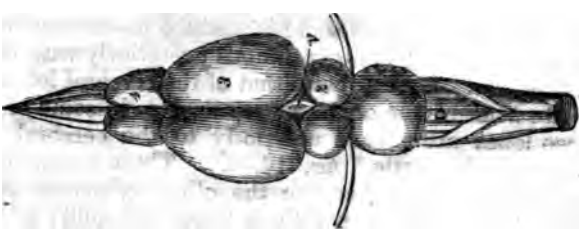
It has been stated that the white matter of the brain of all animals consists of minute and delicate threads or fibres. The course of these fibres is regular, and is remarkably similar in all the classes of vertebral animals. It is best seen in those orders in which the nervous system is the most simple, because in these the course of the fibres being the least interrupted, and the most direct, it is easily traced. Thus in fish the lateral fasciculi of the spinal cord, having advanced beyond the fourth ventricle, are seen to be continued for the most part into the cerebellum [*fig.* 12. 1. 7]. in which organ they expand, and which, in fact, they form. Some of the fibres, however, proceed forwards, still retaining the form of two cords, one on each side; these, in like manner, enter the optic lobes in which they expand, and which they form [*fig.* 12. 5. 9. 10.]. Emerging from the optic lobes, these cords still continue their course forwards, until they reach the cerebral lobes [*fig.* 12. 6. 6.]: here

they divide into two portions, the external, the largest [*fig.* 12. 3.] passes immediately into the centre of the cerebral lobe, expands throughout its substance in a radiated manner: the internal portion appears to be the direct continuation of the lateral fasciculus: it passes forwards on the inner side of the cerebral lobe, and is continued directly into the olfactory nerve [*fig.* 8. *fig.* 12.]. This plate represents the brain of the cod dissected, with a view of showing the course of its fibres which in this fish are traceable with remarkable ease and distinctness. In the cod, therefore, the spinal cord can be demonstrated to proceed without interruption in its course through all the lobes of the brain, and to terminate in the formation of the olfactory nerve. When the organ is reduced to a state thus simple, we see without difficulty the direct continuation of the nervous fibres; but as it becomes complicated by the addition of new parts, it is more difficult to trace this continuity; yet that continuity is as really, though less easily, demonstrable.

The general configuration of the nervous system of Reptiles is similar to that of Fishes. It consists of a spinal cord, of a series of ganglia constituting the brain, and of nerves in communication with both.—*fig.* 13.

*Fig.* 13:

*Fig.* 14.



The structure and disposition of the spinal cord is nearly the same. Like the spinal cord of fish, it is divided by a fissure on its dorsal surface [*fig.* 13, *a*], into two lateral fasciculi [*fig.* 13. *b*]. It also contains a central canal, which continues during the whole of life. Its upper portion is larger than any other part, forming the medulla oblongata [*fig.* 13. *c*.]. At the medulla oblongata, the lateral fasciculi diverge, and leave between them a similar triangular space, constituting the fourth ventricle [*fig.* 14. D]. But in some of the orders the spinal cord does not extend the whole length of the vertebral canal, as in the frog and toad; and in all the reptiles which are provided with limbs, there is observable a slight enlargement of the cord

at the points which correspond to the insertion of the nerves that are distributed to the extremities.

The brain of reptiles not only consists of a series of ganglia like that of fish, but their number and disposition are precisely the same. In general they are five in number [*fig.* 13], but in some species there are seven [*fig.* 14]. The names and connections of these ganglia are precisely the same as those of fish.

The posterior, termed the cerebellum [*fig.* 13. 1.], consists of a single bulb of medullary matter. It contains no cavity. It is smooth, and without any furrow. It is extremely small in the whole of the class; much smaller than in fish or in any other class of vertebral animals.

The optic lobes are hollow [*fig.* 13. 2. 2.]; they are smooth, and without any furrow; they are small compared to the optic lobes of fish.

The cerebral lobes are more developed [*fig.* 13. 3. 3.]. In general their figure is oblong [*fig.* 13. 3.]. Broad behind, they terminate anteriorly in a delicate cord, the continuation of which in many genera constitutes the olfactory nerve [*fig.* 13. 4.]. They are always hollow; their cavity is termed the ventricle of the cerebral lobes. Within this ventricle there are found two additional parts; these are two eminences, the posterior of which is termed the optic thalamus, and the anterior the corpus striatum. Between each optic thalamus there is a slight fissure which is called the third ventricle; it is continuous posteriorly with the fourth ventricle, and anteriorly with that of the cerebral lobes.

In some of the orders of reptiles, as in some of those of fish, two lobes are placed anteriorly to the cerebral. This is the case in the turtle [*fig.* 14. 4.]. These lobes, as in fish, are termed olfactory, because the olfactory nerves are continuous with them. In general these lobes are solid; in a few genera they are hollow, and whenever this is the case their cavity is continuous with the ventricle of the cerebral lobes.

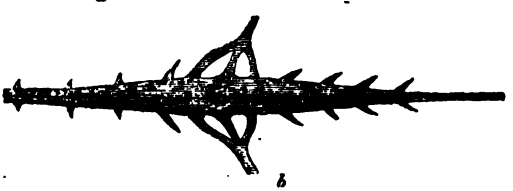
In all the orders of reptiles, except the ophidia, there is placed between the optic and the cerebral lobes a small rounded mass of medullary matter, with two delicate pedicles or footstalks which are attached to the optic thalami [*fig.* 14. *b*]. These bodies are termed the pineal gland. There is another eminence at the base of the brain called the pituitary gland.

The two optic thalami are put in communication with each other by a delicate medullary cord, which extends from the one to the other; it is termed the posterior commissure. The two cerebral lobes are put into communication with each other by a similar cord which extends from the one to the other; it is called the anterior commissure.

The course of the fibres is precisely the same as in fish. Many of the fibres of the lateral fasciculi of the spinal cord enter the cerebellum; but the greater part proceed forwards until they reach the optic lobes. Some of the fibres penetrate these bodies, but the greater part still pass onwards and enter the optic thalami, and the corpora striata. These eminences are, in truth, nothing but enlargements of the lateral fasciculi. From the optic thalami and the corpora striata, the medullary fibres proceed outwards and upwards, and then are reflected inwards. In this manner they form a shut sac which constitutes the cerebral lobe; the cavity thus enclosed is termed its ventricle—the ventricle of the cerebral lobe.

The nervous system of Birds is perfectly analogous to that of Reptiles. The spinal cord of the bird differs in nothing from that of the reptile, excepting that the enlargements at the parts which correspond to the insertion of the nerves of the wings and feet are more considerable [*fig.* 15], which figure shows in the spinal cord of the fowl one of these enlargements, *a*, with the nerves *b*, arising from it.

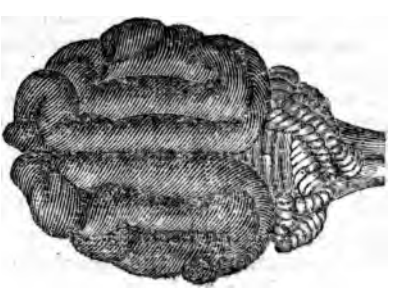
*Fig.* 15.




But at first view there is a striking difference in the brain of the bird; it is obviously much more concentrated than that of the reptile. It still consists, indeed, of a series of masses of cerebral matter, which are the same in number, and the same in their relations to each other; but they differ somewhat in position, and so materially in volume, that they can no longer be termed ganglia, but are much more properly denominated lobes [*fig.* 16]. Of these the posterior, the cerebellum,

*Fig.* 16.

*Fig.* 17.



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[illegible] which proceed from the large
[illegible] thalami, and the corpora striata, and
[illegible] expand so as to form the cerebral lobes, give
[illegible] a magnitude, which far exceeds that of the
[illegible] of the brain.

In the mammalia, the spinal cord differs in no essential point from that of the bird, excepting that it is smaller, compared to

the volume of the brain, and that each lateral fasciculus is subdivided into three smaller portions, of which the internal, or that nearest the median line, is termed the pyramidal cord, the middle the olivary cord, and the external the restiform cord. It is the latter only which is analogous to the lateral fasciculus of the preceding classes; the pyramidal and the olivary cords are new bodies superadded to the system in this higher class.

The brain of the mammalia ceases to consist of a series of ganglia or lobes. It is no longer divisible into distinct bodies, but its different parts form one proper and connected whole. Its state of concentration, compared with that of all the preceding classes is most striking; yet there is the strictest analogy between its different portions and the bodies which have been described as composing the brain in the inferior classes, but they are greatly modified by the addition of new parts.

In nothing is this more strikingly exemplified than in the cerebellum. In birds we have seen that the cerebellum consists of an ovoid mass, with numerous furrows on its surface [*fig.* 16, 1]. In all the mammalia there are added to this mass lateral portions, which are called its lateral lobes [*fig.* 17, 2], while the middle part, that alone which is analogous to the cerebellum of the bird, is now termed the vermiform process [*fig.* 17, 1]. In the bird, therefore, the cerebellum may be said to consist of the vermiform process only; in the mammalia it consists of the vermiform process, together with lateral lobes. Gradually as we ascend through the different orders of the mammalia, the vermiform process becomes small, and the lateral lobes large, until we come to man, in whom the vermiform process is very minute, while almost the entire organ is composed of lateral lobes.

In consequence of the addition of lateral lobes to the cerebellum, another new part is superadded to the brain in all the mammalia, namely, a nervous mass, placed across the upper portion of the medulla oblongata, termed the tuber annulare, by which the two lobes are put into communication with each other. This new organ is therefore, in the strictest sense, a commissure; accordingly, besides the name which has been mentioned, it is commonly termed the commissure of the lateral lobes of the cerebellum. In all the orders of the mammalia, from the lowest up to man, this organ is large in proportion to the size of these lateral lobes.

The optic lobes are invariably large in proportion as the structure of the brain is simple. They are larger in the fish than in the reptile, and in the reptile than in the bird.

consists of a pyramidal mass, placed upon the medulla oblongata over the fourth ventricle [*fig.* 16, 1]. It advances anteriorly upon the optic lobes, a considerable portion of which it covers [*fig.* 16, 2]; it is even in contact with the posterior part of the cerebral lobes [*fig.* 16, 3]: it is therefore greatly enlarged, compared with the cerebellum of the reptile, which in the latter is placed, as we have seen, at a great distance from the cerebral lobes, by the intervention of the optic. The cerebellum of the bird is also much more developed; its surface is divided by transverse furrows into small plates.—*fig.* 16, 1.

On making a section of it, either vertically or horizontally, it is found to consist of a lamellated structure: in its centre there is a small cavity.

The optic lobes are of a rounded or oval figure [*fig.* 16, 2]; they are placed rather at the sides than in the front of the cerebellum. They are not naked, as in the fish and reptile, but are partly covered by the cerebellum, and partly by the cerebral lobes. They are without any furrow on their surface, and are hollow.

The figure of the cerebral lobes resembles a heart [*fig.* 16,3]. They are greatly developed, compared with the corresponding lobes of the preceding classes, for they extend backwards as far as the cerebellum, and they cover the optic lobes [*fig.* 16,3,2]. They are hollow, and their cavity is termed the ventricle of the cerebral lobe.

The optic thalami are also much more developed than in the preceding classes. They constitute two eminences, which are placed immediately in front of the optic lobes.

The magnitude of the corpora striata is so much increased, that they form the greater part of the cerebral lobes. They consist of two masses of an ovoid figure, and of a reddish grey colour, placed immediately before the optic thalami.

The commissures do not differ from those which have been already described in the reptile, excepting that the cerebellum is united to the optic lobes, and the optic lobes to each other by a transverse band of delicate medullary matter, which constitutes what is termed the valve of Veussens.

The course of the fibres is precisely the same as in the reptile. The additional fibres, which proceed from the large masses termed the optic thalami, and the corpora striata, and which ultimately expand so as to form the cerebral lobes, give to these bodies a magnitude, which far exceeds that of the other lobes of the brain.

In the mammalia, the spinal cord differs in no essential point from that of the bird, excepting that it is smaller, compared to

the volume of the brain, and that each lateral fasciculus is subdivided into three smaller portions, of which the internal, or that nearest the median line, is termed the pyramidal cord, the middle the olivary cord, and the external the restiform cord. It is the latter only which is analogous to the lateral fasciculus of the preceding classes; the pyramidal and the olivary cords are new bodies superadded to the system in this higher class.

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The optic lobes are invariably large in proportion as the structure of the brain is simple. They are larger in the fish than in the reptile, and in the reptile than in the bird.

In the lower orders of the mammalia, as in the chiroptera and the rodentia, they are larger than in the higher, and they gradually grow smaller and smaller as we ascend in the scale, until we come to man, in whom they are by much the smallest of all. In the mammalia these bodies no longer form two distinct lobes, as in all the inferior classes, but they are divided by a transverse furrow into four small tubercles, whence they lose the name of optic lobes, and take that of the corpora quadrigemina. Of these bodies it is the two anterior only that are supposed to be properly analogous to the optic lobes of the preceding classes, because it is with the anterior tubercula quadrigemina that the optic nerves are in communication. In the lower orders of the mammalia, the tubercula quadrigemina are hollow, like the optic lobes of the preceding classes, but their cavity uniformly grows smaller and smaller as we ascend in the scale, until we come to the higher, in which they are entirely solid. In the lower orders of the mammalia they are naked, resting on the inferior surface of the brain; in proportion as we ascend they gradually become imperceptible, being progressively more and more covered, in consequence of the constantly increasing size of the cerebral lobes, until in the higher orders, and in man, they are entirely concealed by these lobes.

The successive increase of the optic thalami, in proportion as the cerebral lobes augment in volume, is seen through all the orders of the mammalia, from the lowest to the highest.

The corpora striata also invariably increase in size as the cerebral lobes enlarge; while the cerebral lobes themselves increase in proportion as the animal rises in the scale. In the fish, the reptile, the bird, their successive enlargement is remarkable, and there is the same progressive advancement from the lower to the higher orders of the mammalia, until they attain the great size in which they are found in man, in whom, as well as in the higher genera of his class, they lose the name of lobes, and are termed hemispheres. As the *volume* of the hemispheres increases, they become more and more covered with convolutions. In all the animals below the mammalia, their surface is perfectly smooth; in the lowest genera of the mammalia, they are also without a single convolution, as in the chiroptera, and in many of the rodentia; in the higher genera of the rodentia the first rudiments of the convolutions begin to appear, as in the hare, the rabbit, and the squirrel. In the ruminantia they become covered with convolutions; in the carnivora, as the cat, the dog, and so on, these convolutions become larger, deeper, and more numerous, and their increase

is progressive through all the ascending tribes until we come to man. The use of the convolutions is two-fold: they increase the surface of the cerebral matter, and they afford access to the blood vessels that nourish it, by admitting the passage of the pia mater, the membrane on which the nutrient vessels are expanded, and which are always abundant in proportion as the functions of the brain are exalted.

In all the mammalia the direction of the fibres is the same, and in all it is similar to the course which has been described in the preceding classes. We have stated that in this class at the upper part of the medulla oblongata, each lateral portion of the spinal cord is subdivided into three smaller cords, the internal or that nearest the median line being termed the pyramidal, the middle the olivary, and the external the restiform cord. Now it is the external or restiform cord which enters the cerebellum, expands into it, and forms it, while the pyramidal and the olivary cords advance forward until they reach the optic thalami and the corpora striata into which they enter. In these bodies they receive a large accession of fibres. They then proceed outwards, backwards, and forwards; that is, they expand in these directions. This expansion constitutes the cerebral lobes, or, as they are termed in this class, the cerebral hemispheres. The two hemispheres thus formed are then reflected inwards; they meet in the median line and unite. In this manner each incloses a cavity—the ventricle of the cerebral lobe or hemisphere, or, as it is more commonly termed in this class, the lateral ventricle.

Throughout the animal scale the lateral ventricles are observed to be large in proportion to the perfect development of the brain. In the osseous fish there is no cavity in the cerebral lobe; in the cartilaginous it just begins to be formed. In the reptile the cerebral lobe forms a simple cavity, the anterior portion of which is continuous with the olfactory nerve. In birds it forms a similar cavity which, in like manner, is continuous with the olfactory nerve. But in the mammalia different portions of this cavity take a winding direction, which have been supposed to resemble a horn, and which are therefore termed cornua. In all the mammalia there are two cornua, one of which is termed the anterior, and the other the descending: in the higher genera, as the cerebral hemisphere extends more and more posteriorly, there is a posterior cornu, although many anatomists contend that the posterior cornu is, correctly speaking, proper to man alone.

The use of the lateral and of all the ventricles or cavities of the brain appears to be one and the same, namely, to afford a

more extensive surface to the pia mater for the expansion of blood-vessels.

In addition to the commissures which have been described as existing in the preceding classes, the cerebral hemispheres, being so much more develloped in the mammalia, especially in the higher genera, are united by two additional bodies termed the corpus callosum and the fornix. The corpus callosum consists of an assemblage of fibres, forming a very considerable bulk, bearing to the cerebral hemispheres precisely the same relation which the tuber annulare bears to the lateral lobes of the cerebellum; but it is difficult to represent the direction of the fibres, and their relation to the surrounding bodies, in plates. Neither the corpus callosum nor the fornix can be understood without studying the objects themselves.

In the preceding account we have noticed the more important and essential modifications of the nervous system from its first appearance in the zoophyte to its complete development in the mammale. In this description we have only attempted to exhibit a mere outline of the form and structure of this most interesting portion of the animal economy. The figures annexed, rough and inadequate as they are, may still assist the reader to form a tolerably correct conception of the situation, comparative magnitude and relation of the objects described, without some notion of which, it would be impossible to understand the very curious facts hereafter to be detailed.

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ART. IX.—*Rationale of Judicial Evidence, specially applied to English Practice. From the Manuscripts of Jeremy Bentham, Esq. Bencher of Lincoln's Inn.* In Five volumes. London. Published by Hunt and Clarke. 1827.

FROM time to time, in the history of mankind, at far distant intervals, men have arisen, who have silently, and almost imperceptibly, changed the whole face of some great department of human knowledge; but who, though destined to effect these great revolutions, and to be followed by succeeding generations as founders of a new and improved philosophy, have by their contemporaries been comparatively unknown. These are the master-minds among mankind. Others in their day may attain more renown, may attract more notice from the crowd, who are able to appreciate those labours which produce immediate good, but pass by with neglect every exertion which can be followed by beneficial effects only at some distant period. The philosopher, though he may produce incalculable good, can only do so by degrees almost impalpable to common observation; each step of his progress is slow, though certain, and not

till years have passed away do we perceive the important changes he has wrought. It is he, however, who is the great light to his fellow-men; and him, as the real fountain of the blessings which mankind are hereafter to enjoy, we ought principally to honour.

That within a few years a change has taken place in moral and jurisprudential science, must be obvious even to those who are incapable of estimating the importance of its consequences. Definite conceptions are beginning to be entertained of the ends to which those sciences are directed; and established principles, upon which all reasonings connected with them must be founded, begin to be acknowledged. The political, moral, and jurisprudential writings of the day, have generally assumed a ratiocinative character. What was before vague, wavering, and undetermined, begins to be clear, definite, and systematic. Appeals to passion, prejudice, and sentiment, are going out of fashion; and the understanding of the reader must be convinced, before we can hope to influence either his actions or his opinions. This is a mighty change in the feelings of society; a change the effects of which are only beginning to be felt, but which is destined eventually to work a complete alteration in the whole frame of the civilized world.

Mr. Bentham's writings may certainly be classed among the most efficient causes of this great revolution. For years they have been extending their power silently and gradually; under their influence, men of every shade of opinions, men, many of whom are ignorant almost of the names of these writings, have grown up and formed their habits of reasoning and thinking. A fashion has been set which all are obliged to follow, though many are ignorant of the source from whence it originated. These men, thus formed, are coming fast and thick upon the stage; and some already hold the very highest rank among the leading intellects of the day; those who will stamp the character of the age in which we live. That Mr. Bentham has lived to see these things, must be grateful to himself, and cheering to others who, like him, labour for benefits which are distant, and for rewards which are doubtful. That the man who has done such signal benefit to mankind should in some measure receive payment of the debt that is due to him; that he yet dwells amongst us, to watch the rapid progress which the truths that he has elicited are daily making; that the old man should contemplate the tree which in youth he planted; that there are many who look upon him with gratitude, respect, and admiration, must hold out a hope and incentive to future labourers in the same rough and dreary fields of science. The task will no longer appear thankless; the reward will no longer

appear too distant. The philosopher has obtained his reward while he was yet able to enjoy it; the good that he contemplated, he has lived partly to witness.

Few of Mr. Bentham's works are likely to prove more useful and instructive, or more conducive to the advancement of the great science of jurisprudence, than the "Rationale of Judicial Evidence." The whole of the extensive and important subject of Judicial Evidence is comprised within the present volumes; and the principles with reference to which all rules, regulating the judicial reception and estimation of evidence, ought to be framed, are fully, clearly, and even popularly, explained. The masterly manner in which this difficult task has been performed, can be understood only by him who studies the work: but even the most cursory reader must be struck by the patience and indefatigable perseverance which every part of it evinces. Every necessary analysis, however complicated, has been performed without shrinking. No detail has been too minute, no point too difficult; all have been equally explored, sifted, and discussed. The honest legislator and the honest judge have now on this subject little more to desire; the work is before them a mine of information, which few can explore without amusement, none without instruction. All the labour of investigation has been performed: they have now only to appropriate what another has discovered.

'The papers from which the work now submitted to the public has been extracted,' says the editor in his preface, 'were written by Mr. Bentham at various times, from the year 1802 to 1812. They comprise a very minute exposition of his views on all the branches of the great subject of Judicial Evidence, intermixed with criticisms on the Law of Evidence, as it is established in this country, and with incidental remarks on the state of that branch of law in most of the continental systems of jurisprudence.

'Mr. Bentham's speculations on Judicial Evidence have already been given to the world in a more condensed form by M. Dumont, of Geneva, in the "Traité des Preuves Judiciaires," published in 1823: one of the most interesting among the important works, founded on Mr. Bentham's manuscripts, with which that "first of translators and *redacteurs*," as he has justly been termed, has enriched the library of the continental jurist. The strictures, however, on English law, which compose more than one half of the present work, were judiciously omitted by M. Dumont, as not sufficiently interesting to a continental reader to compensate for the very considerable space which they would have occupied. To an English reader—to him, at least, who loves his country sufficiently well to desire that what is defective in her institutions should be amended, and, in order to its being amended, should be known—these criticisms will not be the least interesting portions of the work.'

As might have been expected even by those who are but

slightly acquainted with Mr. Bentham's former expositions of other portions of jurisprudence, many and wide are the differences between his opinions on the subject of evidence, and those which have been entertained by the framers and admirers of the existing systems of law. The most important of these differences, with the object of the present work, we will state in Mr. Bentham's words.

'Before entering on the perusal of the following work, it may afford some satisfaction to the reader to understand from a general intimation, the nature and extent of the information which he may expect from it.

'The results may be comprised in three propositions; the one, a theorem to be proved; the other two, problems to be solved.

'The theorem is this—that, merely with a view to rectitude of decision, to the avoidance of the mischiefs attached to undue decision, no species of evidence whatsoever, willing or unwilling, ought to be excluded: for although in certain cases it may be right that this or that lot of evidence, though tendered, should not be admitted, yet, in these cases, the reason for the exclusion rests upon other grounds, viz. avoidance of vexation, expense, and delay. The proof of this theorem constitutes the first of the three main results.

'To give instructions, pointing out the means by which what can be done may be done towards securing the truth of evidence; this is one of the two main problems, the solution of which is here attempted. The solution of it is the second of the three main results.

'To give instructions serving to assist the mind of the judge in forming its estimate of the probability of truth in the instance of the evidence presented to it—in a word, in judging of the weight of evidence—this is the other of the two main problems which are here attempted to be solved. The solution of it constitutes the third of the three main results.'—Vol. i. pp. 1, 2.

To establish this opinion concerning exclusion, as well as to frame the instructions meditated, a general view of the theory of Evidence was absolutely requisite. It appeared to Mr. Bentham that the rules which legislators had hitherto framed were the result of an incomplete or erroneous conception of those more recondite and general principles upon which the probative force of all evidence depends. To lay bare the source of the mischief, it was, therefore, necessary to go back to those principles, and to trace out and investigate minutely the several circumstances which exercise an influence upon the value of all evidence whatever. It has been observed that "good practice can, in no case, have any solid foundation, but in good theory." The truth of the observation has never been more completely verified than by the blundering regulations of legislators in the case before us. Seeing partially, and only partially, the influence of motives upon testimony, and acting upon the erroneous

conceptions necessarily resulting from that incomplete perception, they have framed rules for the reception and estimation of evidence, by which the attainment of truth is, in innumerable cases, rendered more difficult than it might be—in many impossible.

The end for which evidence is adduced is to obtain a *decision* at the hands of the judge. The object of the judge's decision ought to be, to place the litigating parties in that situation, which, under the circumstances of the case, the legislator had intended that they should occupy.

The legislator determines that, upon the happening of certain events, certain rights shall be obtained, certain obligations and certain penalties incurred. To learn whether any of those events have happened, is the end of the judge's investigation.

Every fact or circumstance presented to the judge, in the view of its producing in his mind a belief that any such event has or has not occurred, is *judicial evidence.*

Of the several sorts of events which are required to be proved by judicial evidence, and of the several sorts of evidence adduced to prove those events, Mr. Bentham has given an enumeration. To this enumeration, however, as well as to his observations on the probative force of the different sorts of evidence, we can do no more than allude.

Misdecision, on the part of the judge, is the evil to be apprehended whenever evidence is adduced. Misdecision arises from deception; deception is caused either by one or both of two things, viz. *incorrectness* or *incompleteness* in the evidence.

The judge is liable to be deceived, not only by hearing an untrue story, but also by hearing no more than half a true one; and whether the deception be caused by the one circumstance or the other; by the incorrectness, or by the incompleteness, of the evidence; the misdecision necessarily resulting will, in both cases, be *injustice.*

As evidence before a judge is almost always evidence adduced by human beings, the *causes* of trustworthiness and untrustworthiness must be sought for among the circumstances which affect those human beings when adducing such evidence. Whether the *reasons* which induce us to *believe* or not to believe a particular piece of evidence, be such as ought to have that effect, will depend upon our knowledge of the *causes* of trustworthiness and untrustworthiness in testimony.

The causes of trustworthiness and untrustworthiness in testimony are of two classes—intellectual and moral. The witness must be both able to perceive, and willing to relate, the truth. Mr. Bentham has examined into the influence of both sorts of causes. We can do no more than lay before the reader

a few of the most important results obtained concerning the latter.

The moral causes, or circumstances, acting on the will, are *motives*; expectations of good in some shape to be obtained, of evil in some shape to be avoided, by the delivery of true or false testimony.

'Of the causes of mendacity and veracity the list is the same as that of the causes of human action: no action so good, or so bad, that it may not have had any sort of motive for its cause. * * An action without a motive is an effect without a cause.'—Vol. i. p. 191.

Of motives, however, no one can be pointed out, which does not lead to mendacity as well as to veracity. The very same desire, say, for example, the desire of money, which at one time induces a witness to give true testimony, will, at another, induce him to lie.

Moreover, at no one period of a man's life is he subject to the influence of one motive acting singly and alone. At all times various motives are exerting their power over his mind, and his actions result from the predominance of one set over another.

In the delivery of testimony, according as the decision which the witness desires will be best forwarded by mendacity, or by truth, in so much will his expectations of good from that decision prompt him either to mendacity or veracity. Inasmuch as *all his other* expectations of good may be forwarded or thwarted by the delivery of true or false testimony, in so much will *they* lead him either to veracity or mendacity. At every instant of time, therefore, a man must be subject to the influence of motives, both of one species and the other.

'These two axioms,' says Mr. Bentham, 'cannot be too often repeated:—

'No species of motive, but is capable of operating in the character of a mendacity-exciting cause.

'With but a slight exception, and with none that is worth noticing for this purpose, no species of motive but is capable of operating with any degree of force.'—Vol. i. p. 196.

From these propositions the following are necessary consequences.

The trustworthiness of testimonial evidence does not depend upon the *sort* of motive to which the witness happens to be exposed. All motives being equally liable to lead to mendacity or veracity; to prove that a man is exposed to those of a particular sort, is not to prove that he will tell truth or falsehood.

The proof of the existence of a temptation to lie is no proof that the witness will yield to it. A man acts, not as one motive determines, but upon the contending influence of many. Who will say that a person possessed of 5,000*l.* per annum, when exposed to the temptation of two-pence, would lie, regardless of the fear of God, of punishment from the law, and of ignominy at the hands of his fellow citizens?

If the existence of a motive purely mendacity-prompting, in the case of the witness, were sufficient ground for concluding his testimony untrustworthy, then no testimony is trustworthy; for, in no case, can a man be said to be entirely exempt from motives of that description.

As no lying testimony is delivered without a motive, we cannot conclude, from the non-existence of any particular kind of veracity-prompting motive, that the evidence is untrustworthy: we must first learn whether there be any motive to lie, and whether that motive be sufficient to overbalance all the other existing incentives to virtuous action. The *absence* of one motive is no proof of the *existence* of another: for example, though a man may not dread the hatred of his fellows, or the anger of God, it does not follow that he has an inducement to lie: neither can we determine before-hand, whether, although careless of the ill will of men, and of the anger of God, he will not be impelled by the fear of legal punishment to confine himself to the truth in spite of any mendacity-prompting motive.

The grand practical conclusion from all these observations is, that every rule framed upon the supposition that the trustworthiness of a witness may be ascertained by a consideration of the particular species of motives to which he is exposed, or from which he is exempt, will, necessarily, be a fallacious rule—will tend to defeat, not promote, the attainment of truth.

The sources from whence we can derive information, by which to judge of the trustworthiness of testimony, are two: first, the situation and character of the deposing witness; and, second, the testimony he delivers. By learning his situation in the cause under trial, we learn the precise degree of the motive derived from the cause: by learning the circumstances connected with his situation generally, such as his rank of life, his fortune, his connexions, &c. we learn in how far that motive may be counteracted or supported by other motives: by learning the character of the man, we learn the extent in which the motives to virtuous actions are accustomed in his mind to yield to or to conquer the motives to vicious conduct. By all these circumstances we shall be enabled to form a tolerable estimate of the probability of his being willing to hazard a mendacious state-

ment, supposing falsehood to be necessary for his interest. Whether he has been able to frame such statement will best be learned from his evidence.

'There is no species of motive of which, in any given instance, any tolerably-grounded estimate can be formed, without a survey made of the several influencing circumstances in the situation of the witness, on which the effective force of the motive depends; which survey cannot be completely made without a *vivâ voce* examination taken of the witness himself, having for its object the bringing of those circumstances to light.'—Vol. i. p. 195.

These influencing circumstances have, with reference to the source from whence they are derived, been ranked by Mr. Bentham under four heads, or classes, and termed *sanctions.* Of the relative worth of these sanctions, the *physical, religious, moral* and *political,* as operating for and against the correctness of testimony, he has entered into a minute investigation; a highly important and curious subject, well deserving the attention of every one desirous of understanding either the science of morals or legislation. We have not space, however, to give even an outline of Mr. Bentham's expositions on these points, but must refer the reader to the work itself.

Having gone over so much of the general nature of evidence as was requisite for his present purpose; having distinguished the several sorts of evidence, and considered the various circumstances affecting the worth of each; having pointed out the qualities which it is desirable that all evidence should possess; and the circumstances through the influence of which it is and is not likely to possess them, Mr. Bentham next proceeds to consider the different SECURITIES which can be and have been adopted for the purpose of insuring the trustworthiness of evidence.

'In the planning of the system of judicial procedure, with a view to the main end of procedure, viz. the rendering of decisions conformable, on all occasions, to the predictions pronounced by the substantive branch of the law: the object of the legislator will be, to strengthen, as much as possible, the influence of the causes of trustworthiness—to weaken, as much as possible, the influence of the causes of untrustworthiness—the sinister interests of all kinds; that is to say, interests, motives, of all kinds, as often as it may happen to them to be acting in this sinister line.

'To exhibit a view, as complete as may be, of the several arrangements of procedure capable of being made to operate in the character of securities for trustworthiness in testimony, and thence as securities against deception from that quarter, and consequent misdecision on the part of the judge, is the business of the present book: to show, in the first place, what may be done, and ought to be done, to this

end; in the next place, what, in the Roman and English modifications of the technical system, has been done on this subject, in pursuit of whatsoever ends the authors have on such occasions set before them.' —Vol. i. p. 260.

The dangers to be guarded against are *incorrectness* and *incompleteness* in the testimony, arising with or without design on the part of the witness. The securities against these evils are, by Mr. Bentham, called *internal* and *external* securities.

In so far as evidence is *particular;* sufficiently *recollected* to prevent omissions; though recollected, sufficiently *unpremeditated* to prevent mendacious invention; *assisted by suggestions* from others, sufficiently to help recollection; *unassisted by suggestions* in aid of mendacity; *interrogated* by all persons interested in discovering the truth; *distinct* in the expression; and expressed by *permanent* signs, in so much is evidence possessed of *internal* securities for its trustworthiness.

'The object of the *external* securities is to secure, on the part of a mass of testimony, those desirable qualities enumerated under the name of internal securities.'

*Punishment, oath, infamy, interrogation, reception* in the *vivâ voce* form, when practicable, *recordation, publicity,* admission of *counter-evidence,* are the external securities that can be employed for this purpose.

An erroneous statement may originate either from want of sufficient care and attention on the part of the witness, or from a desire to suppress the truth. The business of the external securities is, in the one case, to press upon the deposing witness the necessity of bestowing whatever attention is necessary to make his statement coincide with the truth, and to afford him the means of doing so; in the other, to make him sensible of the painful consequences to himself should he depart from the truth, as well as of the difficulty of escaping detection in the attempt; and also to extract from him whatever information he may possess, in spite of his endeavours to withhold it. The most efficient of the means to these ends is Punishment, including that of public opinion as well as of the law; this it is, that acts upon the witness as a motive to undergo the labour necessary to frame a true statement, and to resist the temptation to deliver a false one. The other external securities are only "expedients, having for their object the application of this first indispensable security to the best advantage." One observation on this head—an observation that seems to have escaped the legislators of this country and most others—ought not to be omitted; viz. that the crime of mendacity, committed on a judicial occasion, should, like other crimes, be visited

with just that degree of punishment which constitutes an adequate motive to restrain from the crime. In English law all mendacity committed under the sanction of an oath is denominated perjury. Perjury is a crime, but the crime results from the profanation of the ceremony of an oath. As the profanation is the same, whether a fellow creature loses his life or three farthings thereby, the crime is the same; and the punishment awarded is, in both cases, equal. All mendacity, however pernicious, not stamped by the name of perjury, is visited with no punishment whatever.

We have not space to point out the efficiency of the various other securities mentioned, in raising the fear of punishment in the mind of the witness to the highest point; as well as in securing the desirable qualities enumerated as *internal* securities. We would particularly recommend to the observation of the reader Mr. Bentham's observations on the efficiency of an oath as a security for trustworthiness. Their object is, to prove it almost entirely useless to any good end; efficient only, and that in many ways, to a bad one. The opinion we know is new; so also is the reasoning on which it is grounded: to us, however, this reasoning appears irrefragable; we therefore, concur in the opinion, in spite of its novelty.

One thing we mean to assume as proved, referring our readers to Mr. Bentham for the proof; viz. that in proportion to the extent in which the securities above enumerated are applied, will be the probability of correctness and completeness in the evidence; and, consequently, that the value of the different modes of extracting evidence is in proportion to the extent in which, by each, the securities are applied. The subject which naturally occupies our author's attention next after that of securities, is that of the EXTRACTION of evidence. "Such being the means which the nature of things furnishes for securing the correctness and completeness of testimony; what remains to be considered is, how to employ them to the best advantage:" that is, to inquire which of the various modes of extraction best applies the above-mentioned securities. We ought not to forget, in this inquiry, that although the attainment of the truth is, in the extraction of evidence, the great and direct end in view, still there are others that must not be overlooked. The delay, vexation, and expense, attendant on the mode most efficient to the attainment of truth, may possibly, in some cases, amount to a greater evil than the chance of injustice in consequence of decision upon imperfect evidence: in all such cases the direct end must be sacrificed to that, though collateral, still important end, the avoidance of delay, vexation, and expense.

Extraction, or say rather collection, of evidence,* is for the most part by interrogation: to the various modes of interrogation, then, the chief part of the inquiry concerning extraction is confined. Interrogation is *oral*, or *epistolary* (by means of interrogatories in writing) or compounded of these. Which of the two modes, oral or epistolary, applies with greatest effect the securities for trustworthiness in testimony? Which of the two applies them with least vexation, expense, and delay?

That testimony can be interrogated as fully, and rendered as particular, by the one method, as the other, is certain; provided that time and expense are put out of the account. Minutes, however, spent in oral examination, will often be sufficient to obtain information which years would not obtain when spent in written interrogations. On this point, therefore, the advantage is all on the side of the former. When, however, we come to consider the quality of correctness, and the securities necessary to insure it, the difference between the two modes of interrogation becomes still more remarkable. There is no one, who by his own experience has not learned the various modes in which written interrogatories assist a dishonest witness in the fabrication of a mendacious testimony. By this method, time to premeditate falsehood is necessarily allowed: suggestions of all sorts in aid of mendacity may be sought after; and are in reality afforded, by every string of interrogatories: the fear of shame, the chances of detection, are reduced almost to nothing; and if the answers are to be returned in writing by the party, indistinctness to any extent short of absolute and glaring nonsense may be resorted to as a safeguard against punishment. On the other hand, oral interrogation, more particularly when carried on by all the parties interested, in open court, before the judge, is subject to none of these evils. Not only are all the external and internal securities brought into play by this mode, but in a large majority of cases, the expense, vexation, and delay, are reduced to their minimum. All aids to mendacity are excluded; as the questions arise out of the answers, the evidence will be in a great measure unpremeditated, while yet, if time be really required by the witness to enable him to give a correct answer, it can easily be granted. The witness having to depend upon himself, unassisted by any thing but his own quickness and sagacity; being, moreover (and this is the most

* Collection of evidence, inasmuch as this would include voluntary rendering of testimony. The object is to obtain evidence on which to ground a decision; the inquiry is concerning the best mode of collecting it. Extracting it, or forcing a witness to give answers to certain questions, is *one* of the modes of collection, not *all*.

important of all the securities), cross-examined by every party interested in discovering his falsehood or truth, and being obliged to give his testimony in distinct expressions, his escape from detection, if mendacity be employed, is almost impossible. The witness also being continually reminded of the danger of punishment and shame,—acting under the eye of a large number of his fellow citizens,—and fearing immediate contradiction if he attempt to deceive, will usually be unwilling to hazard the fabrication of a lie; and, hazarding, will still more seldom be able to support it.

Bearing all these things in mind, the conduct of English lawyers on the subject of the collecting of evidence is absolutely astounding. Upon all the various occasions when it happens to be necessary to collect evidence previous to decision, a judge, a common-law judge, when acting alone, and unaided by a jury, never (except in one singular instance, viz. when bail is justified) so much as pretends to interrogate a witness. The evidence he receives is exhibited in a written form, taken without any of the more material securities, except sometimes an oath; no cross-examination is employed, in fact no interrogation whatever: the party affirming or swearing says what he chooses, trusting to the chance of its never being contradicted, or if contradicted, to the almost certain impossibility of its being proved criminally mendacious.

Lawyers do not usually consider *pleading* as evidence: evidence, however, it in reality is, if it be used for any purpose relating to the administration of justice. Its object is, to give the judge a correct idea of the dispute between the parties. The statements which do this, whatever they may be called, are so far evidence; and being evidence, the same securities should be applied to this as to all other evidence. If there be any necessity for its being true, means should be taken to ensure its truth; if there be no necessity for its being true, there is no necessity for the judge to hear it; his power of giving a just decision cannot be increased by listening to falsehood. No security, however, is applied to it. *Written, without oath, uninterrogated,* it is always mendacious, and generally unintelligible.

Another example of the absurd modes of collecting evidence is affidavit evidence: affidavit evidence, upon which so large a portion of the business of administering justice is performed. We must not, however, enter into the detail of the evils resulting from the mischievous modes of collecting evidence. We exhort those of our readers who are desirous of obtaining a correct conception of this branch of English procedure in the three sets of courts, viz. the Common Law, Equity, and Ecclesiastical courts, to peruse

the 15th, 16th, and 17th, chapters of the third Book of Mr. Bentham's work. The rules of practice in Equity courts seem framed for no other purpose than to delay, for the greatest possible length of time, the settlement of litigation. Considering this as the end in view, it would be difficult for human ingenuity to suggest improvements on Equity practice. *Vivâ voce* examination of a witness is a thing unknown in equity; interrogations written, as many as you please: and averments written, sometimes with, sometimes without, oath; but that most efficient of all securities, *vivâ voce* counter-interrogation, is shunned with undeviating consistency. Rules more inefficient to collect evidence with despatch, or to ensure its truth and its completeness, cannot easily be conceived. It is beside the present purpose to inquire why they are suffered to subsist.

It is the part of a legislator really interested in the welfare of the community, not only to frame rules for the investigation and extraction of evidence, but also, in as far as he is able, to contrive that evidence shall *exist* of the facts which are most likely to become the subject of judicial inquiry. Not only should he endeavour to settle contested points, he should endeavour also to prevent contestation. Evidence preserved for this purpose Mr. Bentham terms PRE-APPOINTED evidence. Under this head he has pointed out the formalities requisite to the formation of contracts, wills, laws, &c.: the formalities that ought to be required being throughout compared with those which are required; while the errors and incongruities of the latter are forcibly and sarcastically exposed. Mr. Bentham here contends very forcibly and at much length, against the practice so common in English law, of rendering certain formalities *peremptory*, in so much that if they be not observed, the contract or other act is *void*. He contends that non-observance of formalities should be a cause of suspicion only, and not of nullity: that it should merely throw upon the party producing the informal document, the *onus* of shewing why the formalities have not been observed. The editor, in his preface, remarks, that "they who really desire to possess useful knowledge do not grudge the trouble necessary to acquire it." By such readers the whole of this part of the work will be carefully studied: as the subject, however, in itself possesses little attraction, by most others, it will, we fear, be passed over.

To this succeeds the extensive subject of CIRCUMSTANTIAL Evidence. It often happens, when no direct evidence can be adduced, that indirect evidence can; but the correct estimation of the latter is a far more difficult and complicated task than that of the former. Evidence is *direct* when the witnesses

depose to having themselves witnessed the very fact in dispute. The force of their testimony depends upon the strength of their belief, upon their character, and their number. The evidence is *indirect* or *circumstantial*, when the fact in dispute, that which Mr. Bentham calls the principal fact, is not proved by the testimony of percipient witnesses, but by the testimony of persons deposing to other facts, which indicate, or are supposed to indicate, the existence of the fact in question. In these cases, however, the judge has not only to weigh the circumstances which affect the value of the testimony to the particular fact, but has also to estimate the probative force of the fact itself (supposing it established), considered as circumstantial evidence of another fact. Our author supposes, for the purpose of example, that the fact to be proved is *delinquency*, and enters into a minute consideration of what are the facts which are evidence of it, and what circumstances strengthen or diminish the force of those facts as evidence of delinquency. To the explanation of the various circumstances upon which this force depends, the whole of the fifth Book is devoted; and to its illustration the author has brought a fund of various knowledge, playful satire, and happy humour, that cannot fail to render this portion of his work attractive even to ordinary readers. Strictures on the existing systems, here, as throughout the whole work, accompany the explanation of the principles which ought to guide the legislator and the judge. The following extract will give an idea of the general conclusion at which Mr. Bentham has arrived concerning the conduct to be pursued by the legislator on this subject, and forcibly exposes the errors of English jurists.

'What then is the practical conclusion here contended for? It is this; viz. that every article of evidence, the nature of which is to operate in the character of circumstantial evidence—whether it be presented in the form of oral, or of written evidence, and (if in the form of written evidence), whether in the form of a judicial document or any other—ought equally to be admitted: the judge of fact being left equally free, in all these cases, to form his judgment of its probative force. That, accordingly, in those instances, where (as in England) the function of a judge of fact is exercised by a jury, the question respecting the probative force of the document in question ought to be submitted to them; in the same manner as the probative force of any article of circumstantial evidence exhibited to them through the medium of oral testimony.

'Circumstantial evidence at large (supposing no legal cause of exclusion opposable to the testimony of the reporting witness), circumstantial evidence as such, is supposed to go to a jury; who, being simple and unlearned persons, are left to judge of it in their own way,

without any better light for their guidance than the light of common sense. But it would be beneath the dignity of the sages of the law to suffer themselves to be led by any such vulgar guidance. When they judge, it must be by rule and measure: practice, not reason, is their guide. To judge of the probative force of evidence is not their practice; it is an operation out of the sphere of their practice, and beneath it. The sort of question to which they are in use to find an answer is, whether a piece of evidence shall be admitted or excluded. Between being admitted and being deemed conclusive; between a man's being heard, and his exercising an absolute command over the decision, there is in the nature of things, a medium obvious enough. But whatever there may be in the nature of things, in their practice there is none. If admitted (says the lawyer to himself), it is that sort of evidence that must be conclusive: for who is there that will take upon him to pronounce it otherwise? Not I; it is not our province, it is not our practice, to weigh the force of evidence. Not the jury; for being a law document, it belongs not to them to judge of it: such matters are too high for them. If I considered it as conclusive—insomuch that were I to take it into consideration, I should regard it as absolutely demonstrative of the fact indicated?—Yes. But could I regard it in that light?—No, I could not. What then is to be done with it? Done with it?—why, what else can be done with it, than what we are so much in the habit of doing by evidence of all sorts, and for any the slightest reason, or no reason? Shut the door against it, and refuse to look at it.'—Book v. c. 15.

The next subject of consideration is another sort of inferior evidence, termed by Mr. Bentham MAKESHIFT Evidence. To some evidence certain securities can be applied, which contribute to ensure its truth and authenticity. To other portions of evidence these securities have not been, and cannot be, applied: for example, private letters are not written under the same securities for their truth, as a contract made before a notary: when adduced, moreover, their authenticity cannot be ensured by a public functionary, but depends upon internal evidence or casual testimony. Hearsay, in the same manner, is evidence adduced without the securities of oath, interrogation, &c. on the part of one person at least. The rules for ensuring and estimating the truth and authenticity of the various sorts of make-shift evidence occupy the whole sixth Book. A description of, and strictures upon, the aberrations of English law from the principles established, again accompany the exposition of the principles themselves. The practical results of the inquiries on this subject we will state in the author's words:—

"The principle employed for fixing the conditions to be annexed to the admission of make-shift evidence, was this, viz. not to admit any such comparatively untrustworthy evidence, where evidence to the same effect is to be had in a more trust-

worthy shape from the same source"—[Vol. iii. p. 553]. In all other cases, Mr. Bentham would admit even this comparatively untrustworthy, but often highly important kind of evidence.

A consideration of the mode of AUTHENTICATING evidence closes this part of the subject.

At this point the author makes a digression to describe what he terms the TECHNICAL SYSTEM; which digression occupies the greater part of the fourth volume. Had we been Mr. Bentham's counsellors, we should have advised the publication of this treatise as a separate volume. Would that it were in every man's hand! It ought to have been denominated "The Suitor's Manual; or a Description of the Distribution of a Suitor's Property in consequence of a Law-suit." This manual should be studied by all classes of the community. They would then form an accurate conception of the corrupted source from which the greater part of our law of procedure has taken its rise; and of the mischiefs which it has created. The workings of the system are beginning to be tolerably understood; a faint and shadowy belief begins to arise that something must be wrong in the very foundations of the law. That there exists something more than the inherent difficulties of the subject to render it imperfect, something even beyond a want of appropriate knowledge in the framers of it, begins generally to be believed. That interest, the sinister interest of the lawyer tribe, presided as well at the concoction of the law administered in common-law courts, as of that *rudis indigestaque moles* which is administered as law in the courts of Equity, is an opinion almost universally entertained; and not less general is the opinion, that unhappy ignorance, worked upon by interest, has rendered all regulations hitherto proposed by the legislature in the shape of remedies to this mass of evil, utterly inefficient to any purpose but the production of still further mischief. The pompous declarations of the interested eulogizers of the law, whether proceeding from those dressed in authority, and bearing the venerable forms of judges, or whether from the aspirants to these high places and sanctified characters, have lost their efficacy. We begin to believe that advocates and even judges are men: that although a judge be a conservator of the public morals, he sometimes cannot preserve his own; that he succumbs like other men to the influence of interest, and imposes upon the multitude, when his own power and profit may be increased by the imposition. If any one be doubtful upon this point, let him read Mr. Bentham's description of the technical or fee-gathering system. He will then perceive that the heap of learned confusion called the law is, for the most part, the result of learned interest; that what is death to the suitor is wealth and import-

ance to the lawyer tribe: that justice is not always the end sought, is far from being the end attained, by judicature: that the enrichment and convenience of those composing the body of lawyers official and professional is an object always in view, and always successfully pursued.

'The mass of absurdity, the chaos, which, in the delineation of existing arrangements, it will be necessary to hold up to view, must continue to be what it has hitherto been—a blind, inexplorable labyrinth, until a clue be given to it: a perfect riddle, unless a key be added to it. This clue, this key, will consist in an indication of the views and designs of those to whose lot it has fallen, from the time when the very foundation of the edifice was begun upon, to the present, to be occupied in the erection of it: designs, the natural and necessary result of the position in which they have all along been placed.

'In a work confined to the subject of Evidence, an exposition, how brief soever, of the universally and necessarily corrupt state of the predominant system of judicial procedure in every country, may be apt to appear irrelevant; or at least of too mighty and disproportionate importance to be introduced, as it were, in a parenthesis; as subordinate, not only to the subject of evidence, but to that comparatively small part of the ground, occupied by the practice of exclusion.

'But it will be seen that of that corrupt system the doctrine of exclusion constitutes a fundamental part, a feature altogether characteristic and indispensable. The consequence is, that unless the nature and origin of that system were brought to view, the prevalence of the practice could not be accounted for, nor, therefore, that sort of satisfaction given, which, on every subject that admits of it, the eye of the reader naturally looks for, and seems entitled to expect. His time will not be the worse bestowed if, in addition to this comparatively narrow abuse, the source of so many other and still more crying abuses be pointed out—still less should a glimpse happen, here and there, to be caught of a feature or two of the only appropriate remedy.

'In all discourses, authoritative and unauthoritative—at least in all discourses of a grave cast—that have had the system of judicial procedure for their subject, an assumption, explicit or implicit, seems constantly to have been made, viz. that the ends to which that course has, with more or less felicity, been directed, have been those to which, of course, it has all along been professed to be directed, viz. the ends of justice.

'Consider the position of the voices by whom the vocal concert on this stage has been led, nothing can be more natural than this assumption; that is, than the fact of its having been made. Consider it on the ground of parallel experience, consider it on the ground of the known and incontestable principles of human nature, nothing can be more inconsistent or improbable than the truth of it; consider it on the ground of direct experience, nothing can be more false.

'False in every country—in every country far enough advanced in the career of civilization to have afforded a settled establishment in this quarter of the field of government,—it is in a more pre-eminent degree false, as applied to English practice: a proposition the truth of which will be found but too palpable as we advance.

'Into no man's conception does it ever appear to enter, that the securing the maximum of happiness to the good people of England was the motive, or so much as among the motives, which brought duke William upon a visit to king Harold; that it was a regard either for the purity of the Jewish faith, or the symmetry of Jewish mouths, that rendered one of his royal successors so alert in rendering the functions of a dentist to one of his Hebrew subjects; that it was the sympathetic apprehension of seeing their neighbours dissolved in luxury, that used to render Mahratta princes so diligent in the collection of Chout.

'Notwithstanding so many professions as have been heard—professions which, even from the impurest lips, will, to one who duly considers the character of the nation and the temper of the times, sound rather as exaggerated than altogether as insincere; many there appear to be who regard with scorn and ridicule the notion that the augmentation of the comfort and well-being of the Indian natives has had any share in so many exertions as have been made by governors-general in Hindostan for extending to those defenceless beings the protection of English laws.

'If, in the very highest rank in society, social and enlarged affections were so completely smothered by narrow and self-regarding ones, is it natural that, in an inferior rank, the affections should, in the same stage of society, have reigned paramount or alone?'—Book viii. c. 1.

Much trouble has been taken to describe Mr. Bentham's style as prolix, obscure, and involved. His later works have indeed manifested a deviation from his earlier style which we by no means regard as an improvement; but however applicable may be the above strictures to some of these later writings, they are not applicable to the work before us. He must be dull indeed who cannot comprehend it; must be little conversant with the beauties of language, must be ignorant of what constitutes a forcible and animated diction, who cannot admire, cannot feel, the excellencies of the style throughout the greater part of the "Rationale of Judicial Evidence;" some passages might be cited which, as specimens of nervous eloquence, have seldom been surpassed—throughout, the style is perspicuous; generally, exceedingly happy and appropriate.

Having laid bare the sinister interest of the lawyer class, and explained the mode in which they have become in reality our legislators, Mr. Bentham then proceeds to one of the great consequences, as well as supports of this interest, viz. the

EXCLUSION of Evidence. To the refutation of the errors and exposure of the sinister interests that have produced this exclusion, as well as the discussion of each separate branch of it, and exposition of the various mischiefs necessarily resulting therefrom, the whole of the ninth Book is devoted: which book, with that containing the description of the technical system, forms, for the general reader, by far the most interesting portion of the work.

In lieu of excluding evidence, Mr. Bentham proposes that the legislature should put the judge upon his guard against the less trustworthy kinds of it, by a set of INSTRUCTIONS on the probative force of evidence; the outline of which instructions is sketched in the tenth and concluding Book.

Such is the immense field which these volumes occupy. Of this field, indeed, we have been able to convey no more than an indefinite and unsatisfactory conception; of the manner in which the task proposed has been executed, we can give no conception whatever. Our opinion we have already stated; whether it be correct, the reader must ascertain for himself by perusing the work.

On the labour of the editor we are hardly entitled to give an opinion; not knowing the state of the papers from which he has compiled the work, we are unable to judge in how much we are indebted to him for the order and regularity which the work at present evinces. The notes and additions he has supplied are few, but those few are judicious: they are short and to the purpose.

We shall endeavour, in the remaining space allotted to us, to explain and defend a few of the more important conclusions to which Mr. Bentham's reasonings lead. Any further explanations concerning the work itself would be useless, as tending in no degree to give the reader a more accurate idea of the object proposed, or the manner in which that object has been pursued.

To those who are at all acquainted with the English law of Evidence, the doctrine of exclusion cannot be unknown. The length, however, to which this doctrine is carried; the inconsistencies and inconveniences attendant upon the attempts to put it into execution; and the principles on which it is grounded, are very little understood. What the public sometimes see, is the exclusion; what they hear as a reason for it, is a vague and general assertion concerning the dangers avoided thereby: what they do not see is, whose interest is really favoured by it; what they do not hear is, an explanation of the mischievous results which necessarily flow from this preposterous institution.

The different cases of exclusion may be ranged under three different heads; cases of exclusion on account of the existence of some motive to mendacity, which motive lawyers happen to fear; cases in which exclusion takes place on account of the absence of some motive to give true testimony, which motive lawyers happen to deem essential; and lastly, cases in which exclusion takes place for the avoidance of vexation to the party giving testimony, which vexation lawyers, by some strange chance, happen to feel compunction in creating. Of all these circumstances, as causes of exclusion, we shall immediately have occasion to speak.

It must not be supposed, however, that the rules, such as they appear, have been steadily obeyed. Exceptions to the general principle have cut deep into the principle itself. And the reasoning, considered sufficient to justify the exceptions, is sufficient to overturn the rule: either the exceptions or the rule *must* be bad.

The doctrine of exclusion, as laid down by English lawyers, cannot be understood, unless a distinction, made by them between the *competency* and the *credibility* of a witness, be also brought to view.

We all know, that in England justice is administered by two sets of persons, by what are called judges, and juries: between these two sets of persons the business of judging of evidence is divided. The judges determine, in the first place, what evidence is *competent;* in other words, what the jury may hear; when this has been done, the jury decides whether the evidence allowed to be adduced be *credible.* The rules according to which the two sorts of decisions are formed, are in reality different; in words they sometimes appear to be similar.

If the evidence tendered to the judge were heard, and allowed by him to have that degree of influence, which, by its worth as evidence, it was entitled to have, there would be little more to be blamed in this division of labour than the unnecessary trouble and inconvenience created by a round-about mode of administering justice. This approach to rational procedure, however, bears no resemblance to the conduct of our learned judges. When evidence is presented to a judge, he is technically said to inquire whether there is *any* evidence; that is, he asks no questions respecting the evidence itself, but confines his concern wholly to the persons who are to deliver it; are they in certain situations, they are to be listened to; are they in certain other situations, they are condemned to silence.

In the rude age in which the rules of exclusion were originally framed, it is probable that the supposed likelihood of men-

dacity in certain cases was the foundation for those rules. Ignorant as men were in the early periods of our juridical history, the extraction and correct estimation of evidence must have been a matter of exceeding difficulty. Among the modes of avoiding the misdecision consequent on deception, that which first presented itself to the minds of half-informed judges was utterly to exclude the testimony which they feared might prove fallacious. Men who are ignorant are apt to generalize hastily. In some cases a witness was seen to be under certain temptations to give false testimony; in others, he was seen to be uninfluenced by some motives leading to true testimony; without further consideration, all such persons were declared to be liars, and means taken to exclude their testimony. Then arose the distinction between competent and incompetent witnesses, admissible and inadmissible evidence. Succeeding generations, however, discovered that the distinction was untenable on the original grounds; they perceived that in many cases, men who are exposed to the same temptations, gave, nevertheless, true testimony; and that their evidence is often the only evidence which can be had; so that if it be excluded, failure of justice is the result. The consequence was, that the reasons were overruled, but the distinction was retained. The very preservation of society demanded some departure from the letter of the judicial decisions; and exception after exception narrowed the original rule: but when this was done, not only was consistency departed from, but every valid defence for the distinction itself was absolutely destroyed. Retained as it is, the distinction is retained against reason; retained in spite of those very principles, the truth of which is daily acknowledged and daily acted upon. In short, the competency and incompetency of a witness has become a capricious and technical distinction, founded upon no principle, but depending, in each particular case, either upon a former decision, or, where no decision exists, upon the will of the judge. Examples of the exclusion, with the exceptions, will best explain the errors and inconsistencies of the system.

The most important, because the most extensive, rule of exclusion, is that founded upon the *interest* of the deposing witness.

It is here necessary to point out an ambiguity in the word *interest*. We use the word sometimes to signify *one* influencing circumstance or motive; sometimes the *balance* of the influencing circumstances to which we are at any one time subject. If in any case a man should have twenty pounds in jeopardy, and could preserve it by mendacity, it would be per-

fectly consonant to ordinary language to say that he had an *interest* in lying, meaning thereby that the gain of the twenty pounds would be, so far, an inducement to lie. It would be equally consonant to ordinary language to say that, although he might gain twenty pounds by the falsehood, still his real interest would induce him to give true testimony; meaning here by his *interest*, that, all circumstances considered, such as regard for character, chance of punishment in case of falsehood, a sense of moral obligation, &c., it would conduce to his welfare to abstain from falsehood. Also when we say that it is the conception a man has of his own interest which governs his conduct, we mean a conception of *all* his separate interests, viewed conjunctively, and not of one single isolated interest.

Interest, then, in this more extended sense, in the only sense in which it can be said with truth that a man's conduct is governed by his interest, is composed of various and often contending *motives*, every one of which, to the extent of its influence, may, according to circumstances, lead a man either to give false, or veracious, testimony.

From among these motives the lawyer has selected, as a cause of exclusion, the hope of pecuniary gain. Of the motives to commit perjury, however, pecuniary interest is far from the most efficient.

Perhaps the most effective motive which influences men's actions, after the punishment inflicted by the law, is the punishment inflicted by the public opinion; but the public opinion would visit with much severer punishment a man who should swear falsely for his own individual pecuniary interests, than him who should swear falsely for the purpose of rendering a brother, a parent, a husband or wife, an important service. Conjugal, fraternal, and filial affection are apt to be considered a palliation for crime, and there is no man but will acknowledge, provided that he speaks as a man and not as a lawyer, that a witness generally is less likely to lie for the purpose of gaining a hundred pounds for himself, than for the purpose of saving his father's life, his fortune, or his fame. Many hundreds of men, men too of the most benevolent and sympathizing character, would commit the latter crime, who would shrink with horror from the former.

If interest, then, be a good ground of exclusion, one interest is as good a ground as another; the interest, for instance, created by affection, is as powerful, to say the least, as pecuniary interest, in inducing men to give mendacious testimony: and if *mendacity* be the thing feared, the ties of blood affection are quite as valid grounds for the exclusion witness as the circumstance of pecuniary interest.

Moreover, if we suppose pecuniary interest to predominate over all other interests, which every one must by experience have learned to be a most incorrect assumption, it does not follow that the sum in question in a particular suit, and likely to be influenced by the testimony of the witness, is the whole of the witness's pecuniary interest. It may happen, and in most cases does happen, that a man's chances of future pecuniary gain may be of much greater importance to him than the sum in dispute; that his character, taken with reference to money only, is worth more as a means of profit hereafter, than the sum depending on his testimony; and when taken with reference to all benefits taken together, there are few men who do not even to themselves acknowledge the overwhelming importance of a good name. The force of this reasoning is daily acknowledged and daily acted upon in private life, by men who set it at defiance when called upon to exercise the functions of a judge.

Whenever an English lawyer speaks of interest, he means solely pecuniary interest. "Good," says Mr. Bentham, "he knows of none but money; evil he knows of none but want of money; interest he knows of none but pecuniary interest; *interest, motive, passion,* he knows of none but the love of money" [Book I. c. xi. p. 189]. The consequence has been, that (with few, if any, exceptions) on the ground of *interest* or *motive* he has excluded no one not subject to pecuniary interest.

The law on the subject of interest is as follows:—

1. "If the witness can avail himself of the verdict so as to give it in evidence in support of his own claims, or if the verdict can be used against him, in case the party for whom he is called as a witness should fail in the action, this is a direct and immediate interest in the event of the suit, which will render him incompetent."—Phillipps's *Ev.* 1. c. v. s. 1.

2. "Secondly, a certain direct and immediate interest will disqualify, although it may happen that the verdict in the cause cannot be evidence, either for or against the witness in any future suit concerning that interest"* [*Ibid.* 1. c. v. s. 1]. What this immediate and direct interest may be, depends in each case upon the will of the judge. Each case decided decides only for cases precisely similar in their circumstances. The books are filled with ten thousand cases, and yet ten thousand more might be adduced wherein no lawyer, however experienced, could give an opinion which he would ensure to be correct.

To prove the wisdom of this rule, two grand assumptions are

* See also *Bull. N. P.* 284; 3 *T. R.* 36.

requisite; the one is, that, whenever a man has a money interest, he will indubitably lie; the other, that the judge will as indubitably believe every word he utters. On the first of these we have already said enough; on the second, we shall almost immediately offer some observations. One word, however, by way of preamble, concerning the inconsistency shown in the application of the principle on which the rule is founded.

Taking pecuniary interest as a valid ground for exclusion, we might assume, that under whatever form the interest may appear, so long as it is pecuniary, exclusion ought to take place: or, if not permitted to make this assumption, we might suppose that the power of the interest to do mischief is in exact proportion to its magnitude; that, for instance, two thousand pounds would be more dangerous than two-pence: and consequently, that if exclusion be in force at all, it should be so in those cases where the interest is the most considerable.

All pecuniary interest, however, is not, by the English law, considered worthy to be a cause of exclusion; neither is the principle of distinction the magnitude of the sum which creates the interest. He only who is possessed of what is termed a *direct, certain,* and *immediate* interest, is placed under the ban of exclusion. The rule we have already stated; an example under it we will give in Mr. Bentham's words.

'In the case above alluded to, of the duke with his £.180,000 a-year, his title to the whole of it being contested, the duke at the point of death, his only son called on his part as a witness, the estate unsettled, son and father upon terms that all fathers and sons ought to be, the son would be a good witness.—Why? Because his interest is not vested; is not *certain;* is no better than *contingent. Secus,* if the estate be in settlement, sixpence a-year settled on the son, the father in full vigour, the son in a galloping consumption, father and son like Henry II. and his sons; for here *le interest del fitz est certain, et nemy contingent.*'—Vol. v. p. 64.

The following observations are too pertinent to be omitted.

'Can it be necessary to observe, that in human affairs, in matters of gain and loss especially—more particularly in matters of gain and loss that depend upon law—the difference between contingency and certainty is but in name? That what is called a *certainty* (for even death itself is contingent as to time) is but a contingency, in which the ratio expressive of the degree of probability is more or less greater than in the other case? Can it be necessary to observe, that there is not that contingent sum for which the exact equivalent, in a sum called by every body a *certain* one; is not to be found? The lawyer by whose decrees the operations of the money market are governed and perplexed, are they all a secret to him? What charity-boy, what beggar-boy, was ever at a loss to know that the toss-up of a half-penny

was worth a farthing? Alas! when will the wisdom of the sages of the law rise to a level with that of babes and sucklings?'

Allowing, however, this distinction between *certain* and *contingent*, *direct* and *indirect*, to be a wise distinction, is consistency preserved in admission and exclusion even under this principle? We again give an example from Mr. Bentham.

'Jeweller delivers jewels to his journeyman to deliver them over to a customer; journeyman steals them: thief good witness to prove delivery.—Why? Because, in speaking of the transaction, occasion may be taken to use the words, *course of trade.* Trade is certainly a good thing; but *quære*, what can it be the better for a sort of evidence which, in each instance, will most probably, if not certainly, give the goods away from the right owner to the thief?

'*Secus* if the jeweller himself had delivered them; for this is not in *the course of trade.* No shop-keeper was ever known to serve a customer with his own hands.'—Vol. v. p. 67.

A factor, in the same way, is allowed to prove the sum for which goods were sold by him in his capacity of factor, though he is to have a percentage on the amount. A prosecutor is allowed to give evidence against a thief, though he (the prosecutor) is entitled to receive back his goods upon conviction of the offender. Cases innumerable, of the same inconsistency, exist: we have no room, however, to adduce them. The following admission by Phillipps is remarkable. "It is a general rule, that all witnesses interested in the event of the cause are to be excluded from giving evidence in favour of the party to which their interest inclines them. They are excluded from a *supposed want of integrity*, and not, as some have supposed, that they may be saved from the *temptation to commit perjury.* If that were the true principle, there would be some inconsistency in excluding witnesses who have an interest, even to the smallest amount, at the same time that a son is allowed to give evidence for the father, and a witness is not privileged from answering, when called to speak *against* his interest."—*Phillipps*, l. c. v.

Thus we see, that among the various sorts of interest to which a human being is subject, the English lawyer has chosen as a cause of exclusion only one; and that by no means the most powerful one: that, of pecuniary interest (the one selected), only certain portions have been fixed upon, as a proper ground for inadmissibility: that those portions are possessed of no peculiar qualities rendering them more efficient than others as motives to mendacity; and that lawyers themselves admit that the portions which have no power to exclude a witness are as likely to lead him to give false testimony as those which cause his exclusion. Here, then, comes the question—why was the one

and not the other chosen for exclusion? and, seeing that no evil has arisen from admitting the most suspicious—why has not the admission been extended to such portions of evidence as were less suspicious?

"The rule of law," says Phillipps, "respecting interested witnesses is, perhaps, the best that could be adopted, because it is the least exclusive, and most accurately defined. It excludes such only as have an interest in the event of the suit; not that, in all cases, they are likely to feel a stronger bias than persons who may, perhaps, expect some benefit from the event, or may be friends or relations to the party, and yet are not, on that account, incompetent. But the kind of interest which is marked out as the cause of incompetency is, in general, more direct and immediate, and more easily ascertained." [1. c. v, s. 1.] To every one of these assertions we are prepared to give a positive denial.

1. The rule is not the least exclusive. The rule least exclusive is that which admits all evidence.

2. It is not the most accurately defined. A rule which admits every species of testimony *is* accurately defined: but that which leaves, in every case, the decision of what should be deemed a direct or immediate interest, to the wavering opinions of various judges, can never, with correctness, be said to be so.

3. The kind of interest which excludes is not the most direct. There are ten thousand cases admitted in which the interest is not one whit more direct than in those excluded.* A commoner is excluded from giving evidence for a fellow commoner. "If a man," said C. B. Gilbert, "promise a witness that, in case he recover the lands, he shall have a lease of them for so many years, this excludes his evidence." Compare the directness and certainty of this interest with that of a man giving evidence against a thief, upon whose conviction he is to receive back the stolen goods, to the amount of ten thousand pounds.

4. The directness of the interest ought not to be the rule. The strength of the temptation to lie is the material object; not the source from whence, or the manner in which it flows.

5. The interest of the cases excluded is not the most immediate.

6. It is not the most easily ascertained. The ties of blood; the relation between master and servant, principal and agent,

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* In the cases of Forrester *v.* Pigou, 1 Maule and Selwyn, 9; Fotheringham *v.* Greenwood, 1 Stra. 129. The indirect interest which excluded the witnesses in these cases cannot, surely, be compared with the one mentioned in the text.

between the government and its officers, are all equally apparent, and as easily, often more easily, ascertained.

But the reasons against the cases selected for exclusion need not be of such a negative description. The very motive alleged for excluding the evidence in these cases, proves it, in fact, to be less dangerous than any other. The more open and palpable the interest to which a witness is subjected, the more readily ought he to be admitted, inasmuch as being more open to suspicion, deception is the less likely to take place in consequence of his assertions.

One circumstance necessarily attendant on every application to the judge for a decision seems not to have occurred to those who framed the rules of exclusion; viz. that in every application the judge *must of necessity decide.* He cannot, by refusing to hear the parties, or by refusing to pronounce upon the present evidence, or by any other shift whatsoever, escape giving a decision. If A claim at the hands of the judge a decision concerning a parcel of land unlawfully withheld from him by B, and the judge refuse to hear the complaint, no matter from what cause, decision in every sense of the word is as much given in favour of B, as if the whole case had been investigated, all the evidence heard, and by a formal judgment the land had been awarded to him. Justice or injustice must be done; there is no middle course, no other alternative than misdecision or just decision; in every case, therefore, where by our rules we deprive ourselves of the power of giving a just decision, we of necessity give an unjust one. Misdecision, however, being the evil to be avoided, it is incumbent on those who support exclusion to shew that the chances of misdecision thus necessarily created by shutting out the evidence are not greater than the chances arising in consequence of the possibility of deception caused by listening to what every one knows to be suspicious testimony. The *number* of erroneous decisions must also be taken into the account. Is injustice likely to happen *oftener* in consequence of the reception, or the exclusion, of the evidence? We shall here, without apology, make a long extract from Mr. Bentham.

'In every case the evidence (whatever it be) which it is on any side proposed to produce, is either necessary, or less than necessary, to the decision prayed for on that side: say (to take the clearest example), the only evidence, or not the only evidence on that side.

'In the first place, let it be necessary. Exclusion, if put upon necessary evidence, produces, if the evidence would have been true, a certainty of misdecision: deception, supposing it to have taken place, can do no worse. But no man surely will be found, who will either think or say, that, of falsehood (supposing the evidence false), decep-

tion will in any one instance be a certain consequence. To say this, would be as much as to say every judge is a machine. What then is the effect of exclusion? To produce, for fear of an uncertain mischief —to produce to a certainty, and in the first instance, the very mischief which it professes to avert. It is as if a copyist, considering that he now and then makes mistakes, should, for greater security against incorrectness, determine never to copy any more but in the dark.

'What then would the lawyer be with his exclusionary remedy, supposing he were sincere? He would be like the panic-struck bird, which for fear of the serpent flies into its mouth.

* * * * *

'Rapax owes you 20*l.* that he borrowed of you: Oculatus Suspectus was present at the transaction; his evidence is the only proof you have of it. If the judge refuses to hear Oculatus Suspectus, misdecision to your prejudice is the certain consequence; your money is gone.

'You borrowed 20*l.* once of Rapax, he has abundant evidence of it; but you paid him, Oculatus Suspectus saw you pay him: of this payment, his testimony is the only evidence. If the judge refuses to hear Oculatus Suspectus, misdecision to your prejudice is the certain consequence: here too your 20*l.* is gone.

'On the other hand, suppose, in either case, Oculatus to be a false witness: is deception on the part of the judge, is misdecision and wrongful disposal of the money a certain consequence? Nothing like it. Every day false testimony is delivered: every day false testimony is detected.

'Next and lastly, let the evidence in question be less than necessary. Being not absolutely necessary, it must be because there is other evidence on that same side. In this case, though the evidence be excluded, misdecision is not the certain consequence.

'But in this case, the party who adduces the evidence having other evidence sufficient to warrant a decision in his favour, there is nothing gained by the exclusion. Excluding the evidence, you decide in favour of the party who produces it; what could you have done more if you had admitted it?

'Not that in any case the exclusion is merely nugatory. It imposes upon the party on whose side the evidence was produced, the additional delay, vexation, and expense, of procuring other evidence: and if these exceed his means, he loses his cause, and misdecision or failure of justice is the consequence.

'In neither case, therefore, can the exclusionary system be conducive to the ends of justice.

'Of the apprehended danger of misdecision from the receipt of evidence of a comparatively untrustworthy kind, what is the amount and value? In every case, nothing, or next to nothing. The legislator is sufficiently on his guard against it; indeed more than sufficiently: and so much more than sufficiently, as to prohibit the reception of it, without knowing what it is. But being himself so much more than sufficiently on his guard, what ground can he have for the app

that the judge on his part will be less than sufficiently upon his guard? The judge who, with such warning as may be given him in the way of *instruction* by the legislator, is not sufficiently proof against that deception against which the legislator has thus been so sufficiently upon his guard without warning, ought not to be deemed qualified for his office.

'From the precautions taken by lawyers, who would not have supposed that the danger was all of it on one side? That, while it is an event unhappily so frequent, for false testimony to obtain a credit that is not its due, it was a misfortune that could never happen for true testimony to fail of obtaining the credit that is its due? Yet in point of fact, who is it that can be assured, that in a case so open to general suspicion as most of those to which the exclusionary rules refer, it may not have happened as often to true evidence to be disbelieved as to false testimony to be believed? Fortunately for mankind, the nature of things does not admit of any such drastic remedy against the former misfortune, as the quackery of lawyers has employed against the latter.

'The witness in question, supposing him to have been admitted, would either have been disbelieved or believed. In the first case, the rule is superfluous and useless. All the use of it consists in warding off a danger, which, the event shews, would not have been realized.

'Wherever the witness, if admitted, would have been believed, observe the consequence, observe the ground in point of reason, upon which the law rests. The jury, who have seen the witness; who would have heard his whole story; who would have heard him cross-examined, and had the opportunity of cross-examining him themselves; who would have heard the other witnesses, if there were any; who would have seen who and what the defendant and the prosecutor are; and who would have observed the whole complexion of the case; the jury, who would have had the benefit of the observations of the counsel and the judge, would have believed his relation to be true. The law, which has not seen the witness, which knows nothing of the accused or prosecutor, which, in a word, knows nothing of the case, pronounces him unfit to be believed; and so unfit, and the danger of hearing him so great, that rather than run the risk, it chooses as the lesser evil, to license the commission of all sorts of offences in his presence. When I said the *law*, I might have said the *judge*; the single judge, to whose partial and hasty conception, hurried away and engrossed by some particular incident in the particular case before him, it first occurred to lay down such a rule.

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'Against danger of misdecision resulting from the admission of a lying witness, or rather of a witness disposed to lie, there are abundant remedies. There is the natural sagacity of the jury; there is the cultivated sagacity of the judge; there is the perhaps equally cultivated, and still more keenly sharpened sagacity of the counsel; there is in penal cases (especially in cases of the most highly penal nature) the candour of the counsel for the prosecution.

* * * * *

'Where is the consistency between this utter distrust of juries, and the implicit faith bestowed with so much affectation, on the decisions they are permitted to give on such evidence as they are permitted to receive? When a parcel of people you know nothing of, except that they are house-keeping tradesmen, or something of that sort, are got together by hap-hazard, or by what ought to be hap-hazard, to the number of twelve, and shut up together in a place whence they cannot get out till the most obstinate among them has subdued the rest; political orthodoxy commands them to be looked upon as infallible. I have no great opinion of human infallibility; and if it were necessary to believe in it, I would go to work by degrees, and begin with the Pope. All I contend for (but this I do contend for) is, that these twelve men, whoever they are, that have heard what the witness had to say, heard him examined, and cross-examined, and examined him themselves as long as they thought proper, are more likely to judge right as to whether he has spoken the truth or no, than a judge who lived centuries ago, who never set eyes on the man, nor ever heard a syllable from or about him in his life, is likely to judge rightly on the question whether the man would say true or no if he were heard. If there be one business that belongs to a jury more particularly than another, it is, one should think, the judging of the probability of evidence: if they be not fit to be trusted with this, not even with the benefit of the judge's assistance and advice, what is it they are fit to be trusted with? Better trust them with nothing at all, and do without them altogether.'—Book ix. c. 2. p. 10.

Amongst the most important of the cases of exclusion on account of interest, is that of the parties to the suit. *Nemo debet esse testis in propria causa*, says the law; and the saying, being in Latin, has a most imposing effect. The reasons assigned for this rule are two: the party would be vexed thereby; and his testimony is likely to be false. Our present concern is with the latter of these reasons.

Bearing in mind that interest is the ground of exclusion, because, by supposition, it produces mendacity, let the reader view the consistency with which the principle is applied.

Cases are by lawyers divided into criminal and civil. The interest of the parties is often pecuniary in the criminal cases; perhaps we may say always, or nearly always so in the civil.

In criminal cases the evidence of the party prosecuting is always admitted, in spite of the pecuniary interest often existing.* —First inconsistency in the application of the principle.

In civil cases, the law is sometimes administered in what are

* At common law, however, informers are not c
if entitled to part of the penalty. By act of P
competent.

termed Equity courts, sometimes in what are termed Common-law courts. In Equity courts one of the parties is admitted as evidence.—Second inconsistency in the application of the principle.

A man having acted in the capacity of factor for another man, and being entitled to poundage on the amount of a sale effected by him in that capacity, the amount being disputed, is allowed to give evidence concerning it even in the Common-law courts.—Third inconsistency.

"On an indictment against private persons or corporate bodies, for not repairing a public bridge or the highway adjoining, the inhabitants of the county, town, or riding, &c. in which the bridge is situated are competent witnesses." [Phillipps's *Ev.* l. c. v. s. 7].—Fourth inconsistency.

In actions by a person robbed against a hundred, both parties are admissible.—Fifth inconsistency.

It would be endless, however, to enumerate every inconsistency. Two of the above are remarkable; the admission in criminal causes; and in the causes instituted in the courts of equity.

If there be one class of cases more important than another, it is that in which our lives, our persons, and our characters, are concerned. The evidence on which a man is condemned to the gallows, to banishment, to prison, or to corporal punishment, and his character consigned to infamy, should certainly be received with as great caution, should be guarded with as many securities, as the evidence to determine the ownership of twenty pounds. If in the latter case it be deemed requisite, as a means to the attainment of truth, to exclude all interested testimony, surely it is cruel barbarity to listen to such testimony in the former.

The inconsistency manifested in equity procedure is equally striking, and attended with circumstances that render it in some points even still more remarkable. If, in an action at common law, information is required which only one of the parties can give, the information, so long as the proceedings are in the common-law court, cannot be obtained: by a proper application to the court of Chancery, however, it will there be extracted from the party upon oath. To common sense, the shortest and most efficient mode would appear to be, when wanting this information, to call the party immediately into open court, and subject him to *viva voce* interrogation. Every thing in this mode is in favour of truth. But this did not suit learned people. What is called *a bill of discovery* is filed in Chancery; the person questioned has a long string of questions sent him, which he answers at his leisure, in a certain office, before a certain officer,

having at the same time his legal helpmate at his elbow, in the shape of a solicitor.

Upon a review of this part of the law, stated even in the general and necessarily brief manner in which we have stated it, every one we think will perceive that, of the various parties to various suits, the law has fixed upon for exclusion, a particular set possessing no peculiar quality conducive to mendacity; that the very set who are sometimes condemned to exclusion, are at other times, and without any alteration of their situation as regarding interest, admitted without scruple, and upon grounds which if valid in one case are valid in all. Since the interests of the excluded and admitted parties are the same, and since no evil has been seen to follow the admission of those who have found favour in the eyes of our judicial legislators, we may again fairly demand why the excluded parties should still be condemned to silence.

The first grand stage in judicial procedure is that in which the plaintiff makes his demand, and states the circumstances which he supposes justify that demand; and the defendant opposes it, and states the circumstances which he supposes justify his opposition.

We contend that the whole of this part of the procedure should be carried on in public, and by the parties in person. We are desirous of knowing to which of the following propositions exception can be taken; and how, if they be allowed, the conclusion can be denied. Without a correct knowledge of the points in issue, the judge will be unable to render a just decision. The correctness of his knowledge will depend upon the clearness and correctness of the information laid before him respecting those points. The clearness and correctness of the information will depend upon the securities taken to ensure those qualities. The most efficient securities are punishment, oath, *viva voce* interrogation and counter-interrogation, and publicity. The persons, therefore, who make the demand, and resist it, *i. e.* the parties, should do so under the sanction of those securities. In other words, "the parties to the suit should speak under all the sanctions and penalties of a witness."

They cannot indeed swear in many cases to the truth or falsity of the circumstances stated; which may not have been within their cognizance. But they can always swear to the state of their belief respecting it. And who, we may ask, is likely to know so much about the matter as the parties?

Without this preliminary meeting, for which Mr. Benth has so long and so strenuously contended, it is in vain t

for a perfect system of procedure. Against its adoption, however, the opposition of lawyers is vehement, and for the present we fear unconquerable. Into the cause of this opposition we do not mean to inquire; on their objections put forward in the shape of reasons, it may not be improper to make a few observations. It is asserted by them that mendacity, to a fearful extent, and deception and misdecision, the consequence of that mendacity, will necessarily follow from questioning the parties at the outset of the case. This objection we have already answered; if the propositions above stated be true, no further attempt at refutation is necessary. What, however, is worthy of remark is, the manner in which legal ingenuity has supplied the place, and avoided the evils of this dreaded meeting. The parties in person are excluded from the presence of the judge; and their dispute carried on by writing. Mendacity was the evil dreaded; to avoid that evil, mendacity has been created to an extent almost incredible. It was feared that the party would make false assertions; the legal remedy, and succedaneum, is, for a professional person, called a special pleader, to make ten times as many false assertions in his name. To inform the judge of the subject matter of the dispute, of the points at issue; to bring the matter to that point at which it would be necessary to adduce evidence to settle the dispute, would be the object of the proposed preliminary meeting. This, however, is the ostensible object of special pleading. The litigants, in the first mode, would be able to bring their dispute, in ninety-nine cases in a hundred, to an issue in half an hour, and at a few shillings expense; mendacity would seldom be resorted to, for it would seldom be of service; time, and money, would be saved, and the truth really ascertained. It is needless to inform our readers that special pleading does none of these things. One false assertion is added to another without compunction; fee follows fee as long as the officiating personages are able to extract them; and after innumerable delays the whole is often brought to issue by a quibble utterly unconnected with the justice of the cause. How the mind of the judge is better prepared for a hearing of the cause by such a process, it still remains for legal ingenuity to point out.

Leaving this preliminary meeting, however, as an improvement which years can alone bring about, we proceed to the consideration of an alteration in the present system not equally hopeless: we mean the admission of the parties to give testimony on the trial.

It is highly important to distinguish the testimony of the parties into voluntary and involuntary testimony. Objections

made to their evidence, as regards voluntary and involuntary testimony, must be made upon different grounds; the grounds of the answers will, in some points, be also different. And first, as to the voluntary testimony of a party; or, in other words, testimony not called for by the opposite party.

In this case, it is evident that the reasons for anticipating mendacious testimony on the part of the witness are, on some accounts, entitled to the greatest weight. Here, if mendacious testimony be contemplated, the instrumentality of two persons is not required; the suborner, and the suborned, are one and the same person: the danger and difficulty of subornation do not exist. On this account, therefore, the chance of mendacious testimony is certainly increased. On the other hand, however, there are many circumstances inducing a man not to hazard a lying statement in his own favour. If a man lie, we may fairly presume that he does so in expectation of being believed, and certainly under expectation of not being discovered. But every one knows that a man's testimony in his own favour is always looked upon with suspicion, still more so if it be flatly contradicted by his adversary. But while the temptation to lie is thus materially lessened, the dangers and difficulty besetting the liar's path will be seen, in almost every judicial case, even when the party is of an abandoned, profligate, and immoral character, to constitute a fearful check to the commission of the crime. To concoct a well-constructed lie, one that harmonizes in all its parts, in which there can be found no flaw, no improbability, requires in most instances no ordinary degree of ingenuity. When that story has to be subjected to the scrutiny of a deeply-interested adversary, aided by an experienced, acute, and sagacious advocate, as well as to the investigation of a practised judge, the chances of detection are raised almost to certainty. When, indeed, the story has not only to be invented, but openly stated by the party; when he has to stand the *vivâ voce* interrogation of the advocate and the judge; when he has to be provided with defence and answer at every point; to guard against prevarication, contradiction, and mistake; to preserve his temper and presence of mind; to make his story tally with facts that he fears, or knows, may be proved; and, in short, to make it wear, in spite of every opposition, an air of truth and probability; when all this has to be performed, where is the man that could count upon finding himself competent to the task? Where is the man who would assert, that taking the whole mass of society, one could be found in every thousand, at the same time willing and able to perform it—able to fabricate

the story, and give the evidence, and willing to hazard the punishment, and to debase himself in his own and others' esteem by the odious crime of perjury. But if so, where is the danger of admitting as witnesses persons of whom not one in a thousand would be able and willing to accomplish this task; and who, if they were so willing and able, would nevertheless be listened to with suspicion? Let it not be thought that we believe mendacious testimony is never given; what we do believe, however, is, that where the mode of extraction is by *vivâ voce* examination and cross-examination, it seldom succeeds. Lawyers believe that there would be continual perjury, because they are accustomed to so much of it in their favourite affidavit evidence. They should recollect, however, that this evidence is given without one real security for its truth.

One would suppose, that lawyers were in the habit of believing every story which any rogue might please to relate to them; so fearful are they of listening to suspicious testimony, or permitting others to listen to it. In all their calculations concerning the injuries likely to follow the admission of testimony, they seem to have omitted entirely the chance of its not being believed: they seem to have forgotten that those circumstances, which have weighed so strongly on their minds as to make them reject the witness, would have no small weight with the jury in making them hear with suspicion what that witness might assert; and that, above all, the party to the suit, who bears so formidable an appearance to lawyers' understandings, who more than all others excites their fears, who moreover is marked in reality more than all others with suspicious characters, could hardly appear before a judge without instantaneously raising in that judge's mind, doubt and suspicion. The dangerous witness is not one who bears the marks of his interest stamped in broad characters upon him, but he, who, while really interested, appears wholly without interest; who is influenced by some motive hidden from the judge's scrutiny, and which motive, even were it known to exist, could not be accurately weighed. Who can estimate the influence of hatred or of love, the desire of revenge, the wish to help a friend, to keep down a rival? All these, however, and a hundred other motives do exist; are continually influencing the testimony of witnesses, but are with difficulty discovered, and even when they are known to exist, the degree of their strength can hardly ever be accurately estimated. The character of a party, on the other hand, is one which obviously involves an interest; and the interest which lawyers have made the cause of exclusion is precisely that, the influence of which every man, in the case of

every other, can estimate with tolerable accuracy. All these circumstances reduce the danger of deception almost to an evanescent quantity.

'If there were any sort of witnesses imaginable,' says Mr. Bentham, 'against whom it were prudence to shut the door, the sort of witnesses against which the law is so decided to shut the door, are precisely those to whom it may be thrown open with the least danger. All witnesses being exposed to seductive influence, all witnesses being dangerous, those will be the least dangerous against whom men are most on their guard; such are those on whose foreheads the force of seduction is written down in figures. A cloud involves the workings of friendship, a cloud involves the workings of enmity, a cloud involves the workings of love: the existence of the passion, the force of its action, every thing is involved in darkness. No juryman, no stranger, scarcely even the closest intimate, can form any estimate of the degree of the enmity, the friendship, or the love. But every man knows what ten shillings is, what twenty shillings is, and what is the difference; every man knows the value, every man feels the power of money; every man knows that allowances are to be made for it. Few men are disposed to make less allowance than truth requires, for the force of its action on other people. Few men are disposed to set the incorruptibility of other men at too high a rate, or the force of corruption at too low a one: few men in whom suspicions thus grounded are in any danger of not being carried up to the full limits of the truth: few in whom they are not much more apt to be carried beyond the truth, than to fall short of it.

'Of the force of money, on whatever occasion acting, the judge sitting on his bench, is fully aware and acutely sensible. Agreed: but is there any other human being to whom that force is a secret? Sits there that old woman anywhere (not to confine ourselves to benches), who, on hearing a report made to her by another old woman, forgets to ask herself in what way and degree (if in any) the reporting old woman may have to gain or lose by the credit given, or not given, to her report?

'What; can the man of law be sincere in thinking that no sort of men understand either the value of money or the influence of it upon testimony but himself?

'In this case, therefore, the advantage expected from exclusion of evidence, in the character of a security against deception and consequent misdecision, is more plainly ideal than in any other; the reason in favour of the exclusion more palpably frivolous. And yet it is to this modification of interest that exclusion on the score of interest is in a manner confined by English jurisprudence.

'In the eyes of the English lawyer, one thing, and one thing only, has a value: that thing is money.

'On the will of man, if you believe the English lawyer, one thing, and one thing only, has influence: that thing is money.

'If you believe the man of law, there is no such thing a

God; no such thing as regard for reputation; no such thing as fear of legal punishment; no such thing as ambition; no such thing as the love of power; no such thing as filial, no such thing as parental, affection; no such thing as party enmity; no such thing as public spirit, patriotism, or general benevolence; no such thing as compassion; no such thing as gratitude; no such thing as revenge. Or (what comes to the same thing), weighed against the interest produced by the value of a farthing, the utmost mass of interest producible from the action of all those affections put together vanishes in the scale.

'Add self-preservation if you please; self-preservation from whatever be the worst of evils, death not excepted, the farthing will still be the heaviest. "A pin a day is a groat a year." Instead of a farthing put a pin, the result will be still the same.

'Romance, romance! True, but it is the romance of real life. The picture here drawn of the human mind, is romantic enough no doubt; but, as to the account here given of that picture, nothing was ever more strictly true. Such are the decisions of the sages of the law; such his every day's practice, such his opinions, such his thoughts; unless, on learned benches, decision and practice run on without thought.

'For a farthing, for the chance of gaining the incommensurable fraction of a farthing, no man on earth, no Englishman at least, that would not perjure himself.* This in Westminster-hall is science. According to the prints of the day, £.180,000 was the value of the property left by the late duke of Bridgewater. For a fraction of a farthing, Aristides with the duke's property in his pocket, would have perjured himself.'—Book ix. c. 3. p. 55.

While the minds of legal men have been thus possessed by terror at the evils of admitting parties, they have passed over the advantages to be derived, and the evils to be avoided, by their admission. We must never cease to bear in mind, while considering this point, that not merely the likelihood of deception and consequent misdecision in one particular case, is to be weighed, but also the number of cases in which misdecision will probably arise. We must consider, not merely the injustice occasioned in cases actually litigated, but also in those which, from the known necessity for producing a particular sort of evidence, have never been brought before a judge for decision. In the various transactions between man and man, a numerous, per-

* In the case of Burton *v.* Hinde 5. T. R. 174, it was ruled as Mr. Bentham states. But, in R. *v.* Mayor and Commonalty of London, 2 Lev. 231, R. *v.* Carpenter, 2 Show. 47, and 1 Vent. 351, *contra.* In the first case, a freeman of a corporation was excluded, although his interest was admitted to be exceedingly small; in the others, freemen were admitted on account of the minuteness of their interest. It is difficult to say what the law is.—See *Phillipps,* 1. c. v. sec. 1. and the cases cited.

haps the most numerous, class, take place without the intervention of a third person; or, what is still more common, the greater part of the information necessary to the elucidation of each transaction is possessed only by the parties themselves; in all such cases, to exclude the testimony of the parties is to exclude that which can alone render the evidence complete, and every decision given on incomplete testimony will, almost of necessity, be unjust. If a transaction have passed in the presence of the parties only, by which A acquires a right to 20*l.*, exclude A's testimony, and misdecision is the inevitable result; admit his testimony, and, though it is possible that it may be false, it is by no means certain that, if it be so, he will obtain credence for it. Let the transaction be such a one, as that each party in good faith believes himself to have acquired some right (hundreds of such cases occur); and suppose one or the other to apply to the judge for decision, and he will decide against him who applies.* It would be as just and satisfactory if the judge were to sit with a dice-box in his hand, ready to decide upon the turning up of the die. If, in place of this blind and hap-hazard method of deciding, he were to call upon each party to tell his story, subject to open contradiction and examination by his adversary, of the suits now contested not one third perhaps would ever have arisen; and those which did arise would be cheaply, quickly, and satisfactorily decided.

That sometimes the testimony of the parties is necessary, English lawyers and English legislators have admitted, by the exceptions created, and now existing, to the general rule which excludes them. That these exceptions are capricious, and more like the freaks of a child, than the sober, solemn acts of judges and legislators, the mere enumeration must have been sufficient to show. We shall not consume the time of our readers in pointing out their absurdities; still less is it necessary for us here to exhibit the ignorance, folly, perhaps we might more properly say knavery, betrayed by the nature of the proceeding in Chancery to obtain the testimony of a party.

* An admitted case of exclusion, not of the parties, but of interested witnesses, well elucidates the evil of incomplete evidence. In an action by a master, for an injury done to his horses, his servant, the driver of the horses, is not admitted to prove negligence on the part of the defendant; inasmuch as, if the mischief could be shown to have arisen from the servant's negligence, he (the servant) is answerable to the master. Suppose the injury to have taken place, the servant and the defendant being the only persons present. How can the judge decide, but against the plaintiff?—misdecision certain. Is misdecision made certain by admitting both the servant and defendant as witnesses?—There are ten thousand chances against it.

The explanation of this proceeding, by whatever name we choose to designate it, comes, properly, under the head of Extraction; and to that title, in Mr. Bentham's work, we refer those who are desirous of seeing in its proper colours the absurdity of this portion of English procedure.

We have now to consider the exclusion of the involuntary testimony of a party to the suit.

In the former case, evidence was excluded on account of its badness; here what is excluded is the best evidence.

If there be one assertion more confirmed by experience, one which every one more readily acknowledges than another, it is, that a man's admissions against himself may safely be received as true. What appears nearly equally plain is, that no person has a greater interest to judge correctly concerning the character of a party, that to none, in by far the majority of cases, can the judgment be intrusted with greater security, as far as his adversary's interests are concerned, than the adversary himself. If, then, a man make admissions against himself, and if a party demand that his adversary be interrogated, upon what grounds can an honest judge refuse to receive the admissions, or grant the permission for interrogation?

"Admissions," says the law, "of a party to the suit against his interest are evidence in favour of the other side." [Phillipps *Ev.* 1. c. v. s. 4. p. 83.] Let it be understood what sort of admissions. Admissions which the party spontaneously makes; made through inadvertence, from a love of justice, or from whatsoever cause of his own free will, these will be received; but to interrogate the party, and to obtain against his will any admissions, is, by the common law, scarcely ever permitted. The consequence is obvious. A man, when exposed to the public gaze, when subjected to interrogation, and threatened with punishment if his testimony be false, would with great hesitation risk the danger and obloquy of endeavouring to substantiate an unjust, or to resist a just, demand. When, however, no immediate and open immoral act has to be performed; when, for instance, he has only to deny, in general terms, in writing, and through the assistance of an attorney, the justice of the plaintiff's claim, and to call upon him in this way for proof, which, he knows, in most cases cannot be brought without difficulty and expense, and in many cases cannot be brought at all,—injustice and immorality to any extent will be committed by nine tenths of mankind: hundreds who would not dare the first villainy would, without hesitation, perpetrate the second; what they have not courage to deny on oath, if openly questioned, they, without compunction, deny through the instrumentality of a law paper.

How few men would be hardy enough to deny upon oath, in an open court of justice, subject to interrogation and contradiction, the correctness of their tailor's claim, when the claim was really a just one. How many are the men that would, that in fact do, resist the same just claim, when sheltered from all these means of detection, and when the rules of law have implanted in the public mind a persuasion, that, in concealing the truth, they are committing no crime? By the attorney's pen, the immoral act is performed effectually; is performed in secrecy; is subject to no penalty, either from the law or from the opinion of society. In every case where a party is thus permitted to abstain from an admission contrary to his own interest, injustice, *pro tanto*, is the consequence. A party is in court; his hand-writing has to be proved; the adversary is willing to trust to his oath: the English law, or rather English lawyers, refuse permission to question him. Often a witness to prove the hand writing cannot be found; the adverse party either loses his right entirely, or what, in many cases, is equally mischievous, justice is delayed.

Where a man refuses to answer a question put by the opposite party concerning the transaction in dispute, we may safely assume that the fact is such as the interrogating party in his question asserts it to be. Thus, if a man be asked, "did you sign this note of hand for 20*l.*?" and he refuses to answer, we may fairly and safely assume that he did sign it; and, if the dispute turned upon that question, the honest judge would decide in favour of the interrogating party. This mode seems to have been objected to by English lawyers, under the influence of the same sort of feeling under which a sportsman gives what is called law to a fox. Let the parties have fair play; that is, let the honest man and the rogue be dealt with exactly alike, and let the chance of the latter be rendered as nearly equal as possible to that of the former. That this procedure may, by rendering the event a matter of more doubt and uncertainty, produce greater pleasure in professional bosoms than could be created by rendering the success of a just claim inevitable, we do not take upon ourselves to deny: what, however, we will venture to assert is, that, however pleasant and interesting such sports may be to the profession, they are by no means agreeable to honest suitors. The game, such as it is, is played with the suitors' money; and, whoever may delight in their losses, they themselves must be supposed to be little gratified by the diminution of their property. "As a party to the suit is not suffered to be witness in support of his own interest, so he is never compelled in courts of law to give evidence for the opposite party against himself" (mind that in the court of Chancery he may be so compelled). "Thus, in a question of settlement

between two parishes, the rated inhabitants of either parish, being in reality the parties to the proceeding, cannot be compelled by the adverse party to answer against their own interest." [*Phillipps*, 1. c. v. s. 2.] We are to presume that a judge, for the purpose of rendering a just decision, is desirous of learning the real state of affairs between the parties disputing. Taking this as a postulate, it may be asked, in what manner the obtaining this perfect knowledge is promoted by the above-mentioned rule? The question is more easily put than answered. In another page the same author says, "Answers in Chancery are confessions on oath, and, therefore, strong evidence against the party who makes them" [*Ibid.* 2. c. iv. s. 1; Peake's *Ev.* c. iii. s. 3]. Answers in Chancery, we suppose, possess no peculiar quality which renders them alone strong evidence against the party who made them. Answers given elsewhere, given under better securities, *vivâ voce*, and subject to cross-examination, would be still more potent, and still more serviceable. Why the answers with the name of Chancery tacked to them are alone thought worthy of reception, is another of those questions distinguished by being, though pertinent, more easily put than answered. As if to shame the very rule they delight in, lawyers have made to it another remarkable exception:—"But when one of several co-plaintiffs comes forward voluntarily to disprove the defendant's liability to the demand made upon him, he may be admitted, with the consent of the adverse party, though, at the same time, he defeats the claim of those who jointly sue with him. For, if the plaintiff were to make a declaration against his interest out of court, evidence of that declaration would be admissible. *And how is the proof less credible if, with the consent of the defendant, who waives all objection to his testimony, he declares the same thing upon oath at the time of the trial?*" [*Phillipps*, 1. c. v. s. 2; 1 *Taunt.* 378]. This last observation, made by lord Mansfield, is exceedingly pertinent; and the more remarkable from having presented itself, apparently, in this case alone, to the minds of professional men. The observation is equally valuable when applied to the case of either party interrogated by the other. Why, then, was it there passed over?

To the objection, that to compel a party to give evidence against himself would be to subject him to a species of torture, it is almost needless to take up the reader's time in furnishing a reply. No force is applied; the witness is not compelled to answer. The question is put to him, and, if he refuse to answer, such inference is drawn from his silence as the judge or jury conceive to be warrantable.

No English lawyer, moreover, can make use of the plea, that a prisoner, on a criminal trial, ought not to be interrogated, lest, in his perturbation, he be led into errors and mistakes prejudicial to himself. In the examination of witnesses by the committing magistrate, whatever the prisoner says is recorded, and may be brought against him at the trial. Again, whatever he may have said in the hurry and fright of being seized, whatever he may let drop by inadvertence, is treasured up and proved against him. They who do these things cannot, surely, object to a quiet, calm, steady, examination of a prisoner by the judge or counsel at the trial: when, if the prisoner err, he may be allowed to rectify his mistake; when he might be warned of the danger, and made aware of the difficulties he is falling into; when both the judge and the jury would be able to perceive by his appearance and manner whether he was collected or bewildered. What comes to the knowledge of the judge and jury now, comes without any of these safeguards: they are compelled, therefore, to guess at the probable state of the prisoner's mind at the time the admissions were made; to form what conclusions they are able, upon highly imperfect evidence. Can any one suppose that interrogation in court, by the judge and jury, can be so liable to lead to misdecision as this rude and inefficacious proceeding?

To whose interest is the exclusion of this self-disserving evidence conducive? Is justice or injustice, the honest or dishonest suitor, favoured by the rule? Two circumstances present themselves from which any one would be able, without much difficulty, to give a satisfactory answer to the question. To exclude self-disserving, is to exclude, first, the best evidence, secondly, the evidence most easily obtained. By the best evidence is meant, evidence least likely to be false, least likely to lead to misdecision. That this quality is possessed by the evidence in question, lawyers themselves universally admit. That it is the most easily obtained, arises from the circumstance that the parties are for the most part on or near the spot where the trial is to take place, or can easily be brought there. In criminal cases, the prosecutor and prisoner are always present; in civil cases, with some rare exceptions, they might easily be compelled to be present. And often, to prove what the party might be led to acknowledge, creates, if he be not admitted, delay, expense, and vexation, tantamount to a direct denial of justice. Who is it then that would desire a rule of this description? The answer cannot be disputed: the dishonest suitor; the really criminal prisoner.

Upon a review, then, of what has been advanced concerning the rule which excludes the parties to the suit, we think that

we may assert the following conclusions to have been satisfactorily proved. That the parties, if admitted, would, in by far the majority of cases, have in reality no temptation to give mendacious testimony; that were the temptation to exist, they would not generally yield to it; that were they willing, they would be unable to impose upon the judge; and that, consequently, there would exist, in case the admission of witnesses were permitted, little danger of deception, and of misdecision, the consequence of deception. That by the exclusion of the parties, on the other hand, not only is the danger of misdecision materially increased in most cases, but vexation, delay and expense are ruinously increased in almost all cases. That self-disserving evidence, the best evidence, being inadmissible, injustice is not only more likely to happen in every litigated case, but happens in hundreds of cases not litigated; that in criminal cases the likelihood of escape on the part of a really criminal prisoner is materially increased, by reason that the interrogation of the prisoner in the presence of the judge and jury is not permitted; that, in short, the honest man is punished for the benefit of the rogue.

Upon grounds similar to those which we have now examined, viz. partly on the ground of interest, partly of vexation, the testimony of the wife or husband is excluded in cases where either of them is concerned. Man or wife having in law but one interest, being one and only one person, their testimony is excluded on account of interest, whenever in favour of each other; but when against each other, upon the ground of vexation. The law says, "the reason for excluding husband and wife from giving evidence either for or against each other is founded partly on their identity of interest, partly on a principle of public policy, which deems it necessary to guard the security and confidence of private life, even at the risk of an occasional failure of justice" [*Phillipps*, c. v. sec. 3]. Of the exclusion on account of interest we have already said enough; on the plea of vexation, in this case by far the most specious, it may not be improper to make a few observations.

That the mutual confidence and attachment of married persons, and the harmony of families depending thereon, are objects of great importance, no one in his senses would deny. It would be as well, however, to understand what sort of confidence and harmony are here intended. There is a confidence and harmony existing among a class of persons usually denominated thieves, who have never yet met with favour in the eyes of a legislator; this confidence is often disturbed by the examina-

tions of different members of the thieving community; but we have never in our legal reading discovered that this examination was on that account an object of dread to the legal profession. The truth is, that a harmony and confidence compatible with the general interests of the other members of society, compatible with fair dealing and honesty, ought to be encouraged and defended, while that which can be maintained only at the expense of public security and honesty, ought to be broken up and destroyed. Every means possible should be taken to render such confidence precarious, every reward held out for its infringement: and inasmuch as such confidence and harmony are destroyed, in so much will all wise men deem that the welfare of society is secured. "The magnanimity of that Roman has been highly applauded who not only placed his residence in such a situation that his fellow citizens might see as much as possible of his actions, but declared a wish that he could open to all, his heart as well as his house." Of one thing we may be sure; he would not so have wished unless his transactions had been honest. Now, without carrying the matter quite so far as the Roman, we may properly wish that no privacy or security should be created for any transaction by which the rights of another may be improperly infringed, and that no confidence should be allowed to exist which has such an end in view. This, however, is precisely that sort of confidence which the English law is here desirous of preserving. To break in upon the privacy of a forgerer, to break in upon the privacy of a thief, to break in upon the privacy of a murderer, the English law deems highly injurious to society; injurious, too, because it disturbs the harmony of a connexion, which, with admirable consistency, in all these cases, the law would itself destroy by executing the offender.

Lawyers, when acting the part of advocates, are proverbially careless of the truth; and the habits of the advocate are not easily laid aside when they become expounders and framers of laws. When expounding the law, they commence with a determination to defend whatever exists; to defend it, if they can, with good reasons and by the truth; if not with good reasons and the truth, still, at any rate, to defend it. The manner in which the very point before us is usually supported is a striking instance of affectation and untruth. They pretend to an exquisite sensibility which they do not feel, and talk like dreaming school-boys rather than as grave and sober men. Truth, amidst this display of sentiment, is unhappily forgotten, their practice and their professions being usually diametrically opposed.

"This rule of evidence (viz. which excludes husband and

wife) which has been adopted for the purpose of promoting a perfect union of interests, and of securing mutual confidence, is so strictly observed, *that even after a dissolution of marriage for adultery, the wife is not admitted to give evidence which would have been excluded if the marriage had continued."*—*Phillips*, 1, c. v. s. 3.

To preserve harmony, which has already been irrecoverably destroyed; to preserve a confidence which cannot by possibility exist, the testimony is excluded, and injustice done! and excluded too under a plea that if such were not the law, a husband would want confidence in his wife, lest at any time she should become an adulteress, and divulge his secrets. In one case lord Hardwicke went so far as not to suffer a woman to be a witness, even though her husband consented. "The rule," he said, "is for the peace of families, and such consent should never be encouraged." It may be thought that the husband was a better judge of his own peace and happiness than his lordship. Moreover, while a murderer's wife is not suffered to be interrogated, lest the gentle dalliance of the conscious couple should be interrupted, a bankrupt and his wife are under no such securities.* The unfortunate or dishonest merchant's harmony and peace are, in the tender consideration of the law, a matter of comparative indifference; but the midnight robber, the assassin, and the swindler are, by the "gentle craft," not treated with such harshness and severity; their harmony, forsooth, is not to be disturbed. It would perhaps be an unjust rule to judge of men's characters by the sympathies they express and feel.

We have now, however, said as much as our space will warrant concerning the principle of excluding witnesses on account of the existence of motives in their case likely to lead to mendacious testimony, as well as for the avoidance of vexation. The next point which we are desirous of exhibiting is the error of the present system in excluding witnesses on account of the *absence* of a certain motive to veracious testimony, viz. religious belief. In the first case it is the existence of a motive to lie; in the second, it is the absence of a motive to tell truth, that is the supposed cause of exclusion.

The law as it exists excludes persons, first, who profess a religious belief of a kind differing in a peculiar manner from the reigning religion; second, those who profess atheism, or no religious belief.

* By st. 21 J. I, c. xix. s. 5 and 6, the commissioners are allowed to examine the bankrupt's wife, touching all matters connected with the bankrupt's estate, &c.

The only exception to believers in a God, made by the law at present, appears to be that of Quakers:—professors of all other religions either are deemed, or seem in a fair way to be deemed, competent witnesses. As society has increased in knowledge, the narrow-minded bigotry of lawyers has been obliged to yield to and to follow a more enlightened policy. By degrees, but by slow degrees, the Mohammedan, the Gentoo, and the Jew, have at length been allowed the defence which the law ought to afford to every human being. A murder or a rape can now no longer be committed with impunity either upon the person or in the presence of these different species of religionists. To the Deist, indeed, it is yet doubtful whether the protection of the law is extended; as yet the judges have hardly determined whether the law shall admit them. That sure operator, Time, and the constantly improving intellect of the public, however, will force this concession also; judges can never be much more than a century behind the rest of the community.

Atheists are, indeed, excluded without mercy, no one having yet thought of proposing them as persons fit to be listened to. There is something curious in the mode pursued by lawyers on the occasion of exclusion on account of religious opinions.

Before the oath is administered to the witness, and when, consequently, there is no legal obligation on him to tell the truth, a question is asked of him, to which he may give whatever answer he pleases, without fear even of contradiction. He is asked concerning the state of his religious belief; the technical question being, whether he believes in the existence of a God and a future state. If the witness, being an unbeliever, be at the same time a person on whom the moral obligation to tell truth exercises a great and paramount influence; if he repugns the very idea of falsehood, and is willing to subject himself to many important civil disabilities and to the obloquy and hatred of orthodox believers, rather than violate what he considers a highly important moral duty without the shadow of mischief to himself as the consequence—he openly avows himself an unbeliever. By this proceeding he does two things: he proves himself a person who is incapable of falsehood, and at the same time renders himself an *incompetent* witness. If, on the other hand, he would rather lie than brave the evils attendant on an open avowal of unbelief, he declares himself a believer. By this proceeding he also does two things: he proves himself a liar *pro tanto*, and renders himself a competent witness.

The interrogation of a witness on the subject of his religious belief, therefore, is, as far as regards its being a safeguard

against mendacious testimony, completely useless. It is a cobweb which a man at all prone to mendacity will unhesitatingly break through. The law cannot punish him; for no one can detect his imposture. Human belief is beyond the province of human investigation; and such, in this case, the law considers it. Whatever may have been his previous declarations or conduct, no person can prove that he is now a liar. He may assert his opinions to be changed; and his first declarations hasty or untrue. Who is there that can take upon himself to assert these explanations to be false? Whom then does the law exclude? Those only who are the most worthy to be heard; men than whom it would be difficult to find any more likely to be veracious witnesses, any whom interest or fear would be less likely to turn from the path of honesty and truth.

It is hardly necessary, after the above (which we deem an irrefragable) argument, to prove the incorrectness of the principle which assumes, that an absence of belief in the existence of a Deity, the avenger of falsehood, is a proof that a man has no motive to give veracious testimony. The refutation would require more space than we can now afford, and for all practical purposes it is not needed. We may remark, however, that no man lies without a motive, and that in judicial cases the motive must be sufficiently strong to overcome the fear of the shame and the punishment attached to the commission of the offence; that in those cases where a chance of discovery exists, this fear, for the most part, is sufficient to overcome a strong temptation; that in cases where no chance of discovery, combined with no feeling of repugnance to judicial falsehood arising from preconceived notions formed by education, could be supposed to exist, the fear of punishment from the Divine Being in a future life, which fear would be the only tutelary motive then acting, is shewn by experience to have small power to resist even the weakest temptation. The temptation to commit perjury, when restrained only by the religious sanction, is daily yielded to, by men who may be supposed peculiarly under the influence of religious feelings, in the case of the constant and hourly infraction of university oaths. The insufficiency of the religious sanction of itself to ensure true testimony; its superfluousness to that effect, when aided by the political or the moral sanction, are matters to the proof of which more time and room are required than we can here afford. They are matters indeed of deep import in many points of view; they require to be elaborately treated; to be patiently, and calmly, and without prejudice, thoroughly investigated. To the great body even of thinking men the opinion is a new one—one so

opposite to ordinary opinions, that we have little hope of seeing it easily or quickly received. In the first book of the present work, Mr. Bentham has examined the question at great length, and, in our judgment, satisfactorily proved his position: to him we refer those who feel, what all ought to feel on so important a subject, a desire to arrive at the truth, whatever that truth may be.

In criminal cases, the affirmations of Quakers meet with no better reception than the depositions of infidels in all cases. They are refused in cases technically criminal, though accepted in such as are technically called civil cases. The grounds of this distinction it is difficult to discover. An oath is considered efficacious inasmuch as it is supposed by the swearer to ensure the anger of God if false testimony on the part of the swearer follow the oath. The Quakers, however, have precisely the same opinion concerning their affirmations. They devoutly believe in a God the avenger of falsehood, and pay so great an obedience to their religious tenets, as to encounter, in the very case before us, no small degree of danger and vexation rather than infringe them. While they believe in a God, the avenger of falsehood, they also believe that the same God has forbidden them to take what is called an oath. If they, in spite of their belief, were to take an oath, they would become competent witnesses, but would, in every honest man's opinion, be far less virtuous men. Why then should the law insist on this immoral act before she will extend to them her protection against any villain who chooses to assault their persons or commit depredations on their property. To say that fear of mendacious testimony is the cause, is to say that which every man sees to be false. An affirmation has the same force in the estimation of the Quaker as an oath in the estimation of other Christian people; if an oath be a security against mendacity, such also must be the power of an affirmation.*

The next and last case of exclusion which we intend to notice is, the exclusion of some sorts of presumptive evidence:

* With some persons, authority is stronger than argument: with lawyers, the opinion of lord Mansfield would outweigh demonstration. Lord Mansfield was of the opinion maintained in the text, as may be seen by referring to his judgment in the case Atcheson *v.* Everett, Cowp. 382.

We are in hopes, that this blot will soon be erased from our law, through the highly praiseworthy exertions of the Marquis of Lansdowne, who, in a bill lately introduced into the House of Lords, proposes to admit the affirmations of Quakers in criminal, as well as in civil causes. We heartily pray that his lordship's intentions may not be frustrated by any ignorant pretender to jurisprudential science, who may have a seat in that dignified assembly.

and our reason for selecting this branch is, that it affords the best opportunity for pointing out the evil of deciding upon *incomplete* evidence.

In the writings of lawyers we often hear of a distinction between "presumption of fact," and "presumption of law;" and both are supposed to be connected with evidence. The distinction is by no means clear; and seems, for the most part, unintelligible to lawyers themselves. Founded in confusion, it serves in no small degree to create confusion. Rules are added to rules, without any definite idea of the end in view; and the separate functions of the judge and the legislator are perpetually confounded.

It often happens, that when no positive and direct evidence, evidence of persons bearing testimony as having witnessed the very fact to be proved, can be found, testimony to collateral facts may be advanced, and may have precisely the same effect on the mind of the judge as the more direct and positive evidence. This indirect evidence is usually termed circumstantial, and by lawyers it is termed presumptive evidence.

In some cases, from a consideration of convenience, or what not, lawyers have deemed proper to consider certain events originally brought forward as circumstantial evidence, to be conclusive proof of the principal fact; proof against which they will allow no contrary evidence to be adduced. They have by this proceeding erected themselves into legislators; and rendered what was before a matter of evidence, a matter of law. If, for example, in the year 1300,* a conspiracy to seize the person of the king was only looked upon as evidence or presumption of an intention to kill him, against which presumption counter-evidence might be brought, the evidence of a conspiracy was evidently no more than circumstantial evidence. If, however, the legislator declare, in the year 1800, that a conspiracy to seize the person of the king shall be deemed a presumption to kill him, a presumption against which no counter-evidence shall be brought, it is evident, under whatever names we disguise the matter, that the law is altered; that the evidentiary fact, the conspiracy, is now erected into a substantive offence; that the fact of the conspiracy is the principal fact to be proved, and that if the conspiracy be proved by direct testimony, no circumstantial evidence whatever is adduced.

So also if, in a case where formerly twenty years undisturbed possession were deemed merely a piece of circumstantial evidence

* This case is put without the slightest intention of intimating that the alteration in the law here spoken of, really occurred at the time mentioned.

of a grant, against which evidence counter-evidence might be brought, lawyers or the legislator should now erect such possession into what is termed *conclusive* proof of the grant, the law is in reality altered. Twenty years undisturbed possession is made a prescriptive right; and he who makes it so, is in fact a legislator. To call this a presumption of law, to say that the law will presume a grant, is to say in a round-about way, and with the assistance of a falsehood, that the law is altered; and that now twenty years undisturbed possession gives the same title that a grant did formerly.

Inasmuch, then, as judges have done any of these things, inasmuch as they have rendered different portions of circumstantial evidence conclusive, in so much have they acted as legislators.

On the other hand, when certain portions of evidence are declared by the legislator (no matter what shape that legislator may take, that of judge, or parliament), to be evidence trustworthy or untrustworthy, requiring a great quantity of counter-evidence to overturn it, or requiring only a little, in such cases *instructions* only are given to the future judge, respecting the conduct he shall pursue concerning that evidence. When it is said that the law will presume such and such a fact from some other, allowing the presumption, however, to be overturned, this is called "presumption of fact." The word presumption is in this case used with no great degree of impropriety; but it must be apparent to any one, that here it is used in a signification totally distinct from that intended by the phrase "presumption of law." In the one case it means a chance, probability, or likelihood, a presumption that a piece of testimony is conclusive; in the other it means, that whether the testimony be, to the mind of the judge, conclusive or not, the law will take upon itself, will *presume*, to say, that it shall command the decision.

That there are many cases in which it is proper that the law should in reality be, what it is by this process made, no one can deny. It is highly important, for instance, that a certain term of undisturbed enjoyment should be a prescriptive right. Public convenience, that is, the collective convenience of individuals at large, requires, that the enjoyment of rights should not be daily subject to disturbance; that a constant doubt and dread should not hang over the title to different species of property. Here then is a reason for certain laws. Make, then, these laws, and drop all unintelligible jargon concerning "presumption."

In the case of the seizure of the king's person, it may be a highly desirable thing, that the person of so high a functionary

be preserved inviolable from all sorts of attacks on the part of private persons. Make a law, then, tending to ensure that inviolability; but do not confound that circumstance with one so widely dissimilar as the investigation of truth. To call a conspiracy to seize the king's person, or to wage war against him, even if in the East Indies, a presumption in law of an intention to kill the king, every one sees to be utter folly. In ten thousand such cases the king himself would be in no danger; the actions, however, might be highly deserving of punishment: in such cases, therefore, let the law erect these into crimes. The propriety, however, of such regulations rests upon a ground widely different from that which may be supposed to establish the propriety of rendering any fact conclusive *as evidence.* Evidence is required as a means to the attainment of truth; its goodness or badness as evidence must be judged by the degree of its conduciveness to elicit and establish the truth; and the wisdom of excluding it must in all cases be decided by the probability of truth being attained or lost by the exclusion.

The mode of exclusion of which we are now complaining, is the more mischievous by being at once extensive and hidden. It seldom presents itself to an unlearned reader in the shape of exclusion, but appears under the various disguises of rules of practice, rules of law, presumptions, and a long list of et ceteras. To one unacquainted with the law, it is impossible to convey even a faint conception of the extent which the evil attains under this covert manner of proceeding. We can do no more than illustrate the absurdity of one or two of the rules.

Among the most iniquitous of these is the rule, that a party is not permitted to discredit his own witnesses; that whatever a witness may say against the person who calls him, shall be taken as conclusive, in other words, the law will presume such testimony to be true. There might be some show of justice in such a rule, if the choice of a man's witnesses depended on himself; if, whenever an event was about to occur, he were able to perceive whether a law-suit were to take place concerning it; and also able to stop the course of events, till he procured trustworthy witnesses to be present during the occurrence of that one which was doomed to be the subject of litigation. If, for example, when an angry man were about to knock another down in the presence of his, the angry man's, servant or dependent, the person about to be assaulted could make him suspend his blow until a friend or disinterested person was obtained to be witness of it; if, when a thief, in the presence of an accomplice, was marching out of a man's house with a bag

of gold, the person robbed could stop his flight, and prevent his casting the gold from him, till an honest witness could be found; if he could do all these things, then indeed the law might, perhaps, without much evil say, that a party should not question the character of his witness; but as a man is possessed of no such power, he must be contented with those witnesses whom chance provides. In one of the above cases, he would be obliged to put up with the testimony of his enemy's dependent; in the second, with that of the thief's accomplice. If in the latter case the witness chose to swear that his friend the thief, so far from having committed a robbery, had, to his knowledge, come honestly by the gold; that he had been improperly assaulted by the prosecutor, the prosecutor according to English law, must quietly put up with the injury, as he would not be permitted "to discredit his own witness." Suppose again, that a thief is apprehended for a robbery, and one of his accomplices craftily persuades the person robbed that he, the accomplice, was witness of the robbery—the prosecutor calls the accomplice as a witness, who swears directly the reverse: the prosecutor must here also quietly put up with the consequence, he must "not discredit his own witness." All lawyers know how often a party fears to call a witness, lest he should say something which he who called him, would not be permitted to contradict. The witness too is often the only one possessed of much important information, the absence of which may alter the whole complexion of a case. The evil is a matter of daily occurrence; and yet with this experience daily forced upon them, do lawyers trudge on, from year to year, in the same crooked and ill-chosen path; deciding without evidence, or upon half the evidence, and administering injustice without limit.

The rules by which in any case the non-performance of certain formalities is made conclusive evidence against the party who omitted them, is another and almost equally mischievous mode of exclusion. No inadvertence, no mistake, no error in judgment, is allowed to be given in evidence; the time is past, and the non-performer must suffer; the law presuming that the non-performance could arise only out of a sense of the justice of his opponent's cause. If it be true, that the object of an honest judge in hearing evidence, should in all cases be to learn which of the litigants has justice on his side, we shall be able without much difficulty to estimate the propriety and worth of those rules which decide the matter in issue, upon considerations which are allowed, and even said to be foreign to the merits. We, however, have no room to follow this investigation further; all we have been able to do, is to point out the source of much

mischief; we cannot now indicate the shape in which every portion of it appears.

We have, throughout our reasonings on these various points, almost exclusively insisted on the inefficiency of exclusion as a means to the attainment of truth. One other ground of its impropriety may be in all cases added; viz. the invariable increase of vexation, expense, and delay, created thereby. On this subject, however, we have not time to enlarge; our assertions, from the space to which we are confined, would of necessity be general; while, to point out the various modes in which the vexation, expense, and delay, are created, would require a volume. We can do no more, therefore, than state, that if we have not dwelt upon this latter topic, our silence has not arisen from the want of a due appreciation of its importance, but from the absolute impossibility of devoting sufficient room to its full explanation.

On the interests which have created and maintained these various abuses, we have been equally silent, deeming it a wiser plan to expose the evil itself, than to indulge in expressions of hostile feelings against the authors of it. Let the public once clearly understand the mischief, and the time will not be distant when the prejudices and sinister interests which uphold the system, will yield to the voice of public opinion, and permit the evil to be remedied.

One observation more, and we have done. With the various rules of evidence, there are no vested interests connected; no man's property would be endangered by the abolition of the whole exclusionary code to-morrow; and the only result would be, that the existing law would be more certainly enforced, that existing rights would be better secured, that honest suitors would be benefitted, and rogues more easily punished. The legislator, therefore, who should propose to himself the task of abolishing this part of our law, need be under no apprehension of unwittingly creating more indirect mischief than direct advantage. Let him proceed without fear, and at once annihilate a law which serves only to render truth unattainable, and justice impotent.

THE

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ART. I.—*The Life of Napoleon Buonaparte, Emperor of the French. With a Preliminary View of the French Revolution.* By the Author of "Waverley," &c. In Nine Volumes. Edinburgh. 1827.

SIR Walter Scott cannot write any thing which, as a literary composition, will not be read with pleasure; and if it were possible to consider the work before us merely as a well-told story, we are not sure that it is inferior even to the most perfect of his former productions. Few books, indeed, have ever afforded so much for minute criticism to fasten upon; and that description of critics with whom the substitution of one connecting particle where another would have been more appropriate is a crime for which all the higher excellencies of composition cannot atone, have made so great a noise concerning its small blemishes, that comparatively little has been heard of its uncommon merits. But the extreme of carelessness in the minutiæ of style, a fault always more endurable than the opposite one of a too studious and visible attention to them, is pardonable, and almost allowable, in a writer who has merits of so much higher a rank than mere correctness. In sir Walter Scott, no faults are worth noting except those which impair the effect of beauties. The author who could conceive and execute the admirable narrative of Napoleon's first Italian expedition, in the third volume, could afford to be inelegant, to be even ungrammatical, in every page. His occasional repetitions, and the intermixture of many inappropriate, among many felicitous, similies, will be forgiven by those who know how few writers are capable of unfolding a complicated and intricate train of events so that it shall appear simple and intelligible, and of maintaining, throughout a voluminous work, so lively, rapid, and spirited a style, that the interest never flags, the attention never is wearied; in which qualities this work pre-eminently excels.

But these excellencies do not suffice to constitute a history. From that which is offered to the public as a record of real events, something more is required than that it should be sprightly and entertaining. The "Life of Napoleon" would be admirable as a romance: to have made it any thing higher, would have required far other endowments than had been displayed even in the most finished performances of the Author of Waverley.

If it be any part of the duty of an historian to turn the facts of history to any *use;* and if a fact can be of use only by being made subservient either to the confirmation or illustration of a *principle;* the historian who is fit for his office must be well disciplined in the art of connecting facts into principles, and applying principles to the explanation of facts: he must be a man familiar with generalization and general views; a man whose knowledge is systematic, whose mind can embrace classes as well as individuals, who can discriminate between the results of narrow and partial observation, and those of enlarged experience; in short, a *philosopher.* Further, if it be ever the duty of an historian to elicit real facts, from vague, scanty, or conflicting, testimony, it is necessary that he should be profoundly skilled in the difficult art of weighing evidence: he must be capable of combining together a chain of circumstances, each of which proves nothing by itself, but every thing when skilfully combined; he must be practised in striking the balance between opposing testimonies, or between testimony on the one side and probability on the other; he must be, to sum up this also in one word, a consummate *judge.* Sir Walter Scott's title to these high qualifications still remained to be established. It is in the present volumes that we must look for the proof of it, if proof is to be found.

Of the degree in which he possessed those more common qualities, which suffice for giving a correct statement of ordinary events—the qualities of industry, candour, and impartiality—the public had some means of judging from his previous performances. And first, with respect to industry; while his earlier writings had proved how much he is capable of, his later ones had afforded no less conclusive evidence, that any degree of pains employed upon his productions, more than was necessary to their sale, was, in his estimation, superfluous. Applying himself in this frame of mind to the composition of an historical work, it was not very likely that he should have recourse to any other than the vulgar authorities, nor, consequently, that he should take any other than the vulgar view of the events which he relates. And the celerity with which he projected

and completed a work which, to execute it tolerably, would have required many years reading, was a satisfactory proof, if there were no other, that, on this point at least, the presumption had not been fallacious.

With respect to his candour: if the studied forbearance towards political adversaries which distinguishes his writings, had flowed from a genuine, passionate, and overpowering love of truth, there would have been room for highly favourable anticipations indeed. But the prevailing tone of his works in every other respect, forbids us to ascribe to any such cause his specious semblance of impartiality. There is sufficient evidence in sir Walter Scott's writings, that he is a person of a mild and tolerant disposition, constitutionally exempt from acrimony of all kinds, with a decided bias towards aristocratic persons and aristocratic opinions, but not attaching so much importance to the difference between one opinion and another, as to feel, even towards persons of the most opposite principles, much positive dislike. This original liberality, and almost indifference, in matters of opinion, enabled him to fall easily into a practice which he appears to have prescribed to himself from an early period—that of adopting such a mode of writing as should be best calculated to win the good word and good opinion of every body. For this purpose he has laboured, with a skill and success surpassing all previous example; and since to please all is to please persons of all political opinions, the precise degree of compromise conducive to this end, was very accurately calculated, and studiously employed. All the substantial advantage in point of opinion must, indeed, be given to the aristocracy, because they, being accustomed to entire subservience, can ill bear any thing which falls far short of it; while, on the other hand, even democrats and democratic principles must be treated with a certain appearance of respect, because, the object being to please every body, it will not do to make intemperate and offensive attacks either upon men or opinions in which any considerable section of the reading public take an interest. But the democrats, being accustomed to pure abuse, are tolerably well satisfied when they meet with a writer in whom the abuse is a little qualified; and their favour is sufficiently attained by keeping somewhat to the liberal side of high Tory opinions, and allowing a fair share of the common feelings and intellect of men, to persons who, by Tory writers in general, are considered as destitute of them, being addicted to the notion that the House of Commons should represent the people, and similar heterodoxies. By this mark, accordingly, sir Walter Scott has guided himself; and has taken pains to be, on all

occasions, a little more just towards the friends of the people than is usual with their enemies. His "Old Mortality" is a miserable travestie of the Scottish Covenanters, compared with Laing's History, or Mr. Galt's Ringan Gilhaize; and so is his "View of the French Revolution," compared with Mignet or Bailleul. But a bigotted Tory can scarcely read either work without some mitigation of his prejudices. Sir Walter Scott is not the man from whom it could be expected that he should be an unbiassed judge between the aristocracy and the people; but considering him as the advocate of the aristocracy against the people, he is not altogether an illiberal or disingenuous one.

The work may be appropriately divided into two parts; the History of the French Revolution, and that of the Reign of Napoleon Bonaparte. This is somewhat more than a merely chronological division. The two subjects are as unlike as those of the Iliad and of the Odyssey; though, like these, they form a portion of the same series of events, and concern in part the same persons. The former period seems to contain nothing but what is extraordinary; the latter, hardly any thing but what is common-place. The reign of Napoleon affords little or nothing to the historian, except ordinary characters and ordinary events. The career which he ran, had been trodden times out of number by successful adventurers; there have never been wanting just such men as he, when such prizes have been attainable by them: the most obvious causes suffice to account for every event in his history: to comprehend it thoroughly, there needed no extraordinary depth of philosophy; the lowest impulses of the lowest description of human beings are the moving principle of the whole, and few men know and understand less of these than they ought. Where one man is the sole disposer of events, history is easily written: it is only to study the character of that one man: if this be vulgar, all is vulgar; if it be peculiar, he who has seized its peculiarities has the key to all which may appear remarkable in the events of the period. The lines of Napoleon's character are few, and strongly marked: to trace them correctly, far inferior powers to those of sir Walter Scott would have been sufficient. And if his story be inaccurate, as we have no doubt that it is, in many of the details, those details are of such sovereign unimportance for any purpose of utility or instruction, that we, for our share, should have little objection, provided they be amusing, to dispense altogether with their being true.

To write the history of the French Revolution was a task requiring far other powers, involving far other difficulties. To say that, on no occasion, did surprising events succeed one

another with such breathless rapidity, that never were effects so extraordinary produced by such a complication of causes, nor in so short a space of time, would be to form a very inadequate idea of the peculiarities of that momentous period, considered as a theme for history. It was marked by a characteristic still more embarrassing to such men as those by whom history is commonly written. The moving forces in this vast convulsion, the springs by which so much complex machinery was now set in motion, now stopt, now swept away, were of a class for the laws of whose action the dictionary of historical common-places does not yet afford one established formula—a class which the routine-historian has not yet been taught by familiarity to fancy that he understands. Heretofore, when a change of government had been effected by force in an extensive and populous country, the revolution had been made always by, and commonly for, a few: the French Revolution was emphatically the work of the people. Commenced by the people, carried on by the people, defended by the people with a heroism and self-devotion unexampled in any other period of modern history, at length terminated by the people when they awoke from the frenzy into which the dogged resistance of the privileged classes against the introduction of any form whatever of representative government, had driven them; the French Revolution will never be more than superficially understood, by the man who is but superficially acquainted with the nature and movements of popular enthusiasm. That mighty power, of which, but for the French Revolution, mankind perhaps would never have known the surpassing strength—that force which converts a whole people into heroes, which binds an entire nation together as one man, was able, not merely to overpower all other forces, but to draw them into its own line, and convert them into auxiliaries to itself. The vulgar politician finds to his confusion (if indeed it is in the power of any vulgar politician to make the discovery), that all the causes which he is in the habit of calling in upon other occasions to account for every thing in history which perplexes him, are powerless here: that party interests, and class interests, and personal interests, and individual depravity, and individual virtue, and even the highest endowments of individual intellect and genius, appear to influence the train of events only when they fall in with it, and add force to the current, which, as often as they are thrown into opposition with it, they are found inadequate to withstand. The rules by which such a period is to be judged of, must not be common rules: generalizations drawn from the events of ordinary times, fail here of affording even that specious appear-

ance of explanation, which is the utmost that such empirical philosophy can ever accomplish. The man who is yet to come, the philosophical historian of the French Revolution, will leave these solemn plausibilities far behind, and will draw his philosophy from the primæval fountain of human nature itself. Whatever else he may derive from what are called the records of past times, a lesson which he will *not* learn from them is, what is meant by a *people;* or from what causes, and in obedience to what laws, the *thing*, which that name expresses, is accustomed to act, on those rare occasions on which the opportunity of acting is allowed to it: and it is quite possible to be a tolerable poet, and much more than a tolerable novelist, without being able to rise to the comprehension of that one idea, or to know more of those laws and those principles than a child in the cradle.

We have stated but a part of the inherent difficulties of the subject. That the very facts of the French Revolution, from the multitude of conflicting testimonies, are incapable of being elicited but by one who possesses all the endowments of the most sagacious and practised judge, is still but a part, perhaps not the greatest part, of those difficulties. Suppose the facts ascertained—to interpret and account for them would demand, along with the most minute knowledge of the circumstances of France and of the French people for centuries back, a mind profoundly conversant with human nature under all the modifications superinduced by acting upon the extensive theatre of a whole nation; and the deepest insight into the springs of human society, into the causes by the perpetual and often unseen agency of which, a nation is made to be what it is, in respect to civilization, morals, modes of thinking, physical condition, and social relations. Nor is this all. To judge of the French Revolution, is to judge statesmen, and the acts of statesmen, in novel and critical situations. It is to form an estimate of great changes in the government and institutions of a country; of new laws established, of old ones overthrown, and of the manner in which the helm of government was conducted through a course beset with perils and difficulties more trying, perhaps, than were ever before experienced by a great and powerful nation. It is not too much to expect, that the writer, whose judgment is to guide that of his readers in such high concerns, shall himself know as much as philosophy and experience can teach, of the science of government and legislation: that he shall be well skilled both in the theory and in the practice of politics; shall know at the same time what is best in itself, and how to make allowance for the obstacles and counteracting forces, which often

render what is not best in itself, necessary either as a precaution or as a compromise.

To this rare combination of qualities, sir Walter Scott has no claim. In political and social philosophy his principles are all summed up in the orthodox one, that whatever is English is best; best, not for England only, but for every country in Christendom, or probably the world. By starting from this point it must be acknowledged that much trouble is saved, and not a little of what is apt to be thought the duty of a historian, very comfortably abridged. To a mind properly imbued with this axiom, to sit in judgment upon the statesmen or institutions of other countries is an easy task. To inquire patiently into the suitableness of a system of government to the nature of man in general, or to the circumstances of any nation in particular; to examine how far it did or did not provide for the exigencies of that nation; to take account of the degree in which its framers might expect that causes peculiar to that nation would promote, modify, or impede, its action; and, if it be pronounced bad, to consider what means they had by whom it was adopted, of establishing any thing better; all this, to a person of such enlarged views, is unnecessary labour. Sir Walter Scott settles all these questions in a moment, by a summary appeal to that ever-ready standard of comparison, English practice. Whatever he finds here established, or whatever bears the same name with any thing which is here established, is excellent: and if the statesmen of France, unfortunately for themselves, not judging of things by the same comprehensive rule, formed a different opinion, the folly thus evinced accounts for all the subsequent misfortunes of their country. Should an institution happen not to be English, it is condemned: and here something more of thought is required in making out a case against it, though not much; for nobody is ignorant how ridiculously easy it is to find inconveniences and dangers on one side of every political question, sufficient to decide it, if we only take care to keep our eyes well shut to the inconveniences and dangers on the other. Although, too, no other reasons for condemnation should be discoverable, there is one argument against all systems that are not English, which can never be wanting; they are *untried theories:* no free institutions except ours, according to our author, having ever had the sanction of experience; for it never occurs to him that the *principle* of an institution may have been tried successfully any number of times, although the exact *model* may be to be found nowhere.

While sir Walter Scott's acquirements are of this mean description, in the science of politics, and the philosop[illegible]

social union, he is almost equally deficient in that acquaintance with facts, without which the most philosophical statesman is no better qualified to judge what is fittest for a nation, than the most profound physician to prescribe what is fittest for a patient whom he has not seen. There is no proof, in this work of sir Walter Scott, that he has taken the trouble to make himself well acquainted with the state of France at the time when the Revolution broke out; with the physical condition and mental peculiarities of the people, the habitual feelings and modes of thinking of the different classes of society, and the working of the great machine of government in the detail. Not only is there no proof that he has made himself well acquainted with these circumstances, but there is conclusive proof that he has not made himself acquainted with them at all; that he has scarcely so much as adverted to them as being among the things which it is necessary for a historian of the Revolution to know; and has therefore committed all the mistakes that are incident to a historian who is thoroughly unacquainted with the spirit of the times which he is describing. His complete ignorance of the position in which individuals and parties were placed, leads him regularly to ascribe their actions to other than the true causes. He blames men who did the best they could, for not doing better; treats men who had only a choice of inconveniences, as if they were the masters of events, and could regulate them as they pleased; reproaches men who were beset by dangers on both sides, because they did not, to avoid the dangers on one side, precipitate themselves into those on the other; goes to search for discreditable motives at an immense distance, when the most creditable ones were obviously afforded by the state of affairs; and judges of the conduct of men in the crisis of a revolution, by the same standard which he would have applied to persons securely in possession of the governing power in peaceable times.

Such and no higher being the qualifications which sir Walter Scott brings to the task of making an estimate, moral and philosophical, of the French Revolution; the reader may judge what is the value of his opinions on the subject, and how well the conception which his book conveys of the Revolution resembles its real character. The work has, in addition to these, all the defects of a book hastily written: it is utterly without research. The author has been satisfied with resorting to the most hackneyed and obvious authorities: he has read perhaps one or two of the professed histories of the period; some of the more popular of the memoirs he has consulted, but we find it difficult to believe that he has read them: he has left but few references at the bottom of the page to betray to the public in

general the superficiality of his reading, but, that some even of these few are made from memory, is demonstrated by his referring, for proof of an assertion, to the very passage which proves the assertion to be false.* The documents which breathe the living spirit of the time, the only monuments of really cotemporary history, (which is the most different thing imaginable from history written by cotemporaries, after they have undergone a thousand changes of opinion and feeling, and when the genuine impression of the present events has faded from their recollection) are the decrees of the national assemblies, the speeches of their members, the papers laid before them, and the immensely numerous books, pamphlets, and periodicals, of the day. These genuine authorities, as neither fame nor profit was to be got by consulting them, our author had not thought it necessary to consult. We doubt whether he has given, to more than two or three of them, even the most cursory perusal.

It may be thought surprising, that a book should be offered to the public, by so distinguished a writer, as the history of so recent and so universally interesting a period, in which so little pains have been taken to ensure that which, all other qualities being put out of the question, is at any rate a *sine quâ non* of history, namely, truth. But our author enjoyed two advantages, either of which would have made it safe for him to deviate from the truth even more widely than he has: he wrote for readers thoroughly ignorant of the subject, and for readers the whole of whose prepossessions were more or less strongly on his side. For being ignorant of the subject, some of his readers have the excuse, that to this very hour there does not exist one tolerable account of this remarkable portion of history, in the English tongue. But the number of Englishmen to whom works written in the French language are accessible, is now so great, that the marvellous extent of their ignorance respecting the French Revolution, must be regarded as a proof, that this reading nation chuses to read dissertations on Æolic Digammas, or Iron Masks, or any other matter of frivolous and idle curiosity,

* On presenting Louis XVI with the keys of Paris, Bailly said, comparing the entry of Louis with that of Henry IV, "*Il avait reconquis son peuple, aujourd'hui c'est le peuple qui a reconquis son roi.*" Our author places this in Bailly's speech of the 6th October 1789, and moralizes on the insulting irony of such an address on such an occasion. For this he refers to the "Mémoires de Bailly, Choix de ses Lettres et Discours;" and the speech is there, sure enough, but the expressions above alluded to are not in it. Those expressions were used on a different occasion, immediately after the capture of the Bastille, when they were neither insulting nor inappropriate, but well suited, on the contrary, to conciliate the vanquished, and soften the humiliation of defeat.

sooner than any thing which will furnish them with *evidence* upon matters on which their minds have been made up without it. For ignorance has not here had the effect which conscious ignorance in a well-regulated mind ought to have, that of preventing them from forming any opinion. Acted upon as their ignorance has been, from day to day and from year to year, by the torrents of unmeasured and undiscriminating invective which have been poured forth against the Revolution, by men who knew nearly as little about it as the public themselves, but who knew perfectly what mode of treating the subject would be acceptable to those on whom the reputation and the sale of their lucubrations depended; a feeling has been generated, which predisposes men to credit upon any evidence or no evidence, any assertion with respect to the French Revolution or revolutionists, provided only it be sufficiently unfavourable: and he who would seek to refute even the most extravagant of these assertions, finds it difficult to obtain a hearing, and scarcely possible to persuade.

It cannot, however, be deemed of small importance to the best interests of mankind, that the opinions which they form on such a subject as the French Revolution, should be correct opinions. So long as all who hold the lot of mankind to be capable of any material improvement, or conceive that any good can be accomplished by taking the powers of government out of the hands of those who are interested in abusing them, are deemed to be sufficiently answered by pointing to the calamitous issue of that great experiment; so long it will be a duty not to suffer that its history should be rendered the fitter to form the groundwork of these decisive conclusions, by being falsified and garbled. It is not in such an article as the present, that we can pretend to sketch the true history or trace the character of the French Revolution. But we can at least shew that sir Walter Scott is not to be trusted; which we the more willingly do, as, in refuting his misrepresentations, we are exposing *à fortiori* those of the crowd of hirelings, who with inferior abilities, but with the same purposes, daily essay to fling each his minute and separate portion of dirt upon some of the noblest deeds and brightest characters in history. Such men are not important enough for any other chastisement than they may indirectly suffer, from the blow aimed at a more formidable enemy: and we shall mention them no further in this notice.

The work opens with a sketch of the state of France before the Revolution, and a view of the remote causes of that catastrophe. The whole of this is comprehended in two chapters, which consist of seventy-nine pages: a shorter space, therefore,

than is frequently taken up by the dull introductions of our author's novels, is all that he allows for what ought to be the quintessence of the internal history of France during more than a century. To have executed this portion of his task well, would of itself have required more reading and research than he has given to the entire work. It is almost unnecessary to say, therefore, that he has performed it ill; and has not only failed to communicate full and accurate knowledge, but has betrayed the lamentable extent of his own ignorance. This is the more to be regretted, as he has stated the little which he knows, with considerable force, and very tolerable fairness. The influence of such an aristocracy as that of France upon the national literature, is powerfully delineated; the character of the noblesse and clergy, during the fifty years preceding the Revolution, is traced with an indulgent, but with no feeble hand: and the exclusion of the *tiers-état*, that is, of almost the whole of the talent, and much the greater part of the opulence, of France, from all employment or influence in the affairs of the state, is deservedly reprobated. Our author, however, shares the vulgar error, which considers this monopoly of office as the principal, and almost the sole, cause of the Revolution: at least we may gather as much from the fulness with which he developes and expatiates upon it, while all the other causes are lumped together in a short and passing notice. This is by no means a trifling error; on the contrary, few can be named, which have contributed more to prevent the Revolution from being understood, or to lend an apparent sanction to the conclusions which aristocratic logic has drawn from it for aristocratic purposes. We dwell not upon the gross injustice towards the eminent men who originally took the lead in the Revolution, and whom this theory represents as ambitious spirits, struggling for no higher object than the removal of their personal disabilities, instead of patriots striving to free their country from a yoke which weighed it down to the earth. We shall not insist upon this, characteristic though it be—for thus it is that our author always contrives to disguise or throw into the shade whatever is exalted in purpose or generous in sentiment, in those whose principles he disapproves, while he gives credit to the royalists for the most chivalrous disinterestedness and honour, not only without evidence, but in direct contradiction to the testimony of the better members of their own body. But (to say no more upon this point) mark the implied imputation upon the French people, which this theory of the Revolution conveys. If the excesses of the Revolution had no greater provocation than our author tells us of, what must not we think of them? Slur o'

the fact that every man's liberty was at the mercy of every minister or clerk of a minister, or lacquey of a minister, or mistress of a lacquey of a minister—that every man's property was at the mercy of *intendants* and *subdélégués*, and the whole fry of agents and sub-agents in one of the most odious systems of fiscal tyranny ever known; sink all this, and a hundred things besides, and fix upon non-admissibility to office as the great practical grievance of the *tiers-état*, and what is the inference? For our author certainly will not succeed in persuading anybody, that it was the ineligibility of the merchants and *avocats* of Paris and Bordeaux to public offices, and of their sons to promotion in the army, which caused the peasants of several of the provinces of France to rise in arms and burn the houses of their *seigneurs:* the provocations, therefore, which are assigned, being obviously insufficient, and the real ones having been carelessly overlooked or purposely passed over, the only explanation which seems to offer itself is the perversity of the people: of whose supposed readiness at all times, unless kept down by terror, to rise against their superiors and make war upon person and property, another example is thus manufactured.

Sir Walter Scott may be well assured that the grievances which could excite in the peasantry feelings of such bitter hatred towards the privileged classes, were grievances which affected themselves, and not other people. The Roman tribune understood the nature of the people much better, when he reproached them with being abundantly eager and zealous when their efforts were required to prevent the usurpation of their lands, or protect their persons from the rapacity and cruelty of their creditors, but deaf to the call of their leaders when there was nothing to contend for except the privilege of rewarding those leaders with offices and honours. The feelings of the people are not wont to be excited by an abstract principle. It is not a distant or a contingent evil which works upon *them.* The tyranny which excites *them* to resistance must be felt, not conceived; they must discover it by their sensations, not by their reason. The abuses which they resent, are those which bear upon their direct interests; which "come home to their business and bosoms." Never yet did a people hate their superiors, but for some real or imagined wrong; never were they stimulated to such outrages as those which signalized the breaking out of the French Revolution, except by the intolerable pressure of active, grinding oppression. And in no country, pretending to civilization, had the peasantry been so borne down by oppression as in France. "Les jeunes gens et les étrangers," says Madame de Staël, "qui n'ont pas connu la

France avant la révolution, et qui voient aujourd'hui le peuple enrichi par la division des propriétés et la suppression des dîmes et du régime féodal, ne peuvent avoir l'idée de la situation de ce pays, lorsque la nation portait le poids de tous les priviléges. Les partisans de l'esclavage dans les colonies ont souvent dit qu'un paysan de France était plus malheureux qu'un nègre....La misère accroît l'ignorance, l'ignorance accroît la misère; et quand on se demande, pourquoi le peuple François a été si cruel dans la révolution, on ne peut en trouver la cause que dans l'absence de bonheur, qui conduit à l'absence de moralité."*

Our author himself observes, that in La Vendée alone had the privileged classes done their duty towards the cultivators of the soil, and that in La Vendée alone was any stand made by those cultivators in their defence. This observation is an approach to the true theory of the causes of the Revolution, and is conceived in a spirit of which it were to be wished that there were more frequent examples in these volumes. Indications of such a spirit are indeed not rare in his occasional remarks; in which respect he resembles many other writers, who have falsified history in the gross, as thoroughly as himself. He is far too acute not to see a *part* of the truth; far too slightly acquainted with the monuments of the times, to have the faintest or most distant perception of it as a *whole.* We may perhaps take some future opportunity of making known to our readers, what substantial reasons the peasants had for detesting both the government and their seigneurs. In the meantime, we shall do no more than refer them to a book which is in every man's hands. If, in place of his first two chapters, sir Walter Scott had merely reprinted the concluding dissertation in the first volume of Arthur Young's excellent work on France, he would have done more to convey a just idea of the causes of the French Revolution than will be done by twenty such productions as his "Preliminary View." We believe, that most men who have read that dissertation, will exclaim with its author, who had himself seen and heard all he describes—that no man of common sense and feeling can lament the fall of such a government, or look with any but a mitigated severity upon the terrible retribution which an oppressed people exacted from their tyrants the moment they were free.

Among the causes which most powerfully promoted, or at least directed, the tendency to change, our author justly assigns a high rank to the increased influence of literature. And here we may be sure that the opportunity is eagerly seized, of re-

* Considérations sur la Révolution Françoise, Part I, Chap 6.

commending himself to our moral public, by an invective against the French philosophers, as they are termed; principally upon the two points of licentiousness and irreligion. In the course of this diatribe, our author manifests no very accurate knowledge of the writings or lives of these objects of his somewhat undiscriminating dislike. As for fairness, it would be too much to expect it from such a writer on such a subject; and accordingly we are not surprised to find the immense benefits which the philosophers conferred upon their country and mankind, altogether overlooked, while whatever either is, or can be made to appear, objectionable in them or in their works, is grossly exaggerated. Thus, they are gravely stated to have been engaged in a sort of "anti-crusade," not only against Christianity, but against "religious principles of every kind;" a description which, if applicable at all, can apply only to one or two of them, and those neither the ablest nor the most influential, perhaps to one only, and him not a Frenchman, the baron d' Holbach; while on the other hand, how large a portion of the writings of Rousseau, and especially of Voltaire, is taken up in maintaining and enforcing the being and attributes of God, is known to every one who has read them. The ancient fiction of a "league," a "conspiracy," is revived; when it is notorious, that the supposed heads of this conspiracy, Voltaire and Rousseau, were at open war with each other, that Condorcet, in like manner, did not disguise his contempt for Mably, that Turgot wrote against Helvétius, while equal dissensions and differences of opinion existed among the less distinguished thinkers and writers of the class; and that nothing like an organized system of concert or co-operation ever existed among any portion of their number. Our author can know little of French literary history, or he would not talk of the close union and alliance which existed among the philosophers, "and more especially the Encyclopedists"—we presume, between Diderot and d'Alembert—for of these two individuals only was this formidable corps, whose name has so long resounded from every corner of Europe, composed; they having written (with scarcely any exception but that of a small number of articles by Voltaire) the whole of the moral, theological, and metaphysical part of the Encyclopédie; and it is worthy of remark, that of this pair of conspirators against religion, d'Alembert never published a single line against it. With respect to licentiousness, our author forgets that what was the vice of their age and of the society in which they moved, cannot with justice be laid at their door; it was not they who made French society what it was; on the contrary, it was through the influence principally of their writings, that it ever

became any thing else. It is high time that sir Walter Scott should be told, if he has not yet found it out, that licentiousness was a quality with which what are termed the philosophers were not more, but, on the contrary, less chargeable, than most writers of their day; that none of the authors peculiarly remarkable for it were to be found in their ranks, while several of those most distinguished by it (among whom it is sufficient to name Piron) were no less characterized by a bitter hostility against the persons and principles of the philosophers: that the virtues most opposite to licentiousness, found in Rousseau, if not always a consistent, at least an enthusiastic, advocate; and that many of the most distinguished among the philosophical writers, as Condillac, Condorcet, and above all, Turgot, were pure on this point, some of them to a degree of scrupulosity. However, it must be admitted, that several of the writers whom our author mentions, have produced works in some degree deserving the character which he assigns to them. Most certainly we do not quarrel with him for expressing his disapprobation of these writings: he should remember, however, that there ought to be bounds even to the most merited censure, and that there is still an immense distance between any licentiousness of which they can be accused, and that libertinism, which he justly characterizes as inconsistent with manly and virtuous patriotism. Because the ideas prevalent in a country allow a certain latitude of speaking, or even of acting, with respect to the branch of morality here concerned, it does not follow that all who in any degree avail themselves of this licence must therefore make the pursuit of sensual gratifications the business of their lives. Such an occupation, like the inordinate pursuit of every other merely individual enjoyment, is incapable of co-existing with any nobler aspirations, and if it does not begin, is sure to terminate, in utter selfishness; but it is false that voluptuousness, in this sense of the word, was, or is, more prevalent in France than in any other nation; and most especially is it false that any portion of the philosophers, either in their own lives, or in the doctrines and principles they inculcated, are chargeable with it.*

* With how much greater discrimination does the editor of Madame Campan's memoirs animadvert upon the same persons, and the same faults, which are the subject of our author's less judicious and less considerate disapprobation. After censuring some of the philosophers, and in particular Diderot by name, for participating practically in the licentiousness of the times, he adds, "Non que je veuille assurément jeter du blâme sur les philosophes: si leur conduite était légère, la plûpart de leurs doctrines étaient pures; elles ont passé de leurs écrits dans nos mœurs. Si les liens de la famille se sont resserrés; si nous sommes meilleurs époux, meilleurs pères, et plus hommes de bien; si le vice est

Our author does not, like others of the alarmists, represent the philosophers, with the "licence and infidelity" which they promoted, as the sole causes of, and movers in, the Revolution. He owns that a great political change would have been needed, and would have taken place, "had the French court and her higher orders retained the simple and virtuous manners of Sparta, united with the strong and pure faith of primitive

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méprisé; si la jeunesse, avide d'études sérieuses, repousse avec dégoût les ouvrages licencieux qu'accueillait le libertinage de ses pères, nous le devons à un nouvel ordre de choses. En morale, comme en politique, en législation, en finances, les philosophes ont préparé d'utiles réformes."—p. xl.

The tone of this author, who, even while blaming the men, eagerly bears testimony to the admirable moral effect of their writings, suggests, when contrasted with the opposite language of sir Walter Scott, an acute sense of the difference between a writer who really knows his subject, and one who has only dipped into it to find reasons for opinions which he already held. That author must indeed know little of French literature and history, who can accuse the philosophers of having demoralized the French people! the philosophers, than whom, it may safely be affirmed, no set of writers ever did one tenth part so much to elevate the standard of morals among their countrymen.

For a powerful defence of the philosophers against these vulgar imputations, see pp. 236 to 279 of the first volume of a most valuable work recently published at Paris, and intituled, "Histoire de France depuis la fin du règne de Louis XVI. jusqu' à l'année 1825, par l'abbé de Montgaillard." The testimony of this author in favour of the philosophers possesses the greater weight, as their most prejudiced enemies may be defied to point out any one well-founded accusation against them which he has disguised or extenuated. Some of them, indeed, are treated by him with unmerited severity. In further illustration of the same subject, see Bailleul's "Examen Critique de l'ouvrage posthume de Madame de Staël," vol. i. pp. 153—6.

While we are on a similar subject, we cannot pass unnoticed our author's childish remarks on certain passages in the memoirs of Madame Roland; remarks which are in themselves sufficient to prove his complete unfitness for the office of an historian, if incapacity to estimate the modes of thinking and feeling of another state of society, and inability to distinguish between differences of manners and differences of morals, be a disqualification for writing history. We will appeal to every candid person who has really read the autobiography of this admirable woman, whether any thing can be conceived more opposite to the whole tone and character of her mind, than "habitual impurity of language and ideas," and whether the very passages in her memoirs, which our author considers to be proofs of it, are not, on the contrary, conclusive evidence of a more than common purity of disposition? Of the private morals of Madame Roland, our author has not the effrontery even to hint a suspicion. With respect to the particulars which offend him in her writings, and which would offend him justly in any woman of a country where the conventional standard of propriety is a more rigorous one, we may advise him to take a lesson of good sense and liberality from Morris Birkbeck, whose observations on an occasion somewhat similar, have been quoted in the sixth number of this journal, p. 473.

Christians. The difference lay in this, that a simple, virtuous, and religious people, would have rested content with such changes and alterations in the constitution of their government as might remove the evils of which they had just and pressing reason to complain. They would have endeavoured to redress obvious and practical errors in the body politic, without being led into extremes, either by the love of realizing visionary theories, the vanity of enforcing their own particular philosophical or political doctrines, or the selfish arguments of demagogues, who, in the prospect of bettering their own situation by wealth, or obtaining scope for their ambition, aspired, in the words of the dramatic poet, to throw the elements of society into confusion; and thus

— 'disturb the peace of all the world
To rule it when 'twas wildest.' "—Vol. i. p. 62.

Now, inasmuch as the most moral and religious people that ever existed, the English of the reign of Charles I., carried their "changes and alterations" so far as to abolish monarchy and cut off the king's head, we see that our author's ideas of avoiding "extremes" and redressing "obvious and practical errors," are of a tolerably radical extent.

It well becomes *him* to rail at theorists, who can overlook such a fact because it interferes with his theory. But it is ever thus with those who style themselves *par excellence* the men of practice and experience.

Our author takes a juster view of the causes which produced the errors of the Revolution, in the following acute and original remarks on the state of infancy in which the public mind had been kept by the restraints on the press.

'An essay on the French monarchy, showing by what means the existing institutions might have been brought more into union with the wishes and wants of the people, must have procured for its author a place in the Bastille; and yet subsequent events have shown, that a system which might have introduced prudently and gradually into the decayed frame of the French government the spirit of liberty, which was originally inherent in every feudal monarchy, would have been the most valuable present which political wisdom could have rendered to the country. The bonds which pressed so heavily on the subject might thus have been gradually slackened, and at length totally removed, without the perilous expedient of casting them all loose at once. But the philosophers, who had certainly talent sufficient for the purpose, were not permitted to apply to the state of the French government the original principles on which it was founded, or to trace the manner in which usurpations and abuses had taken place, and propose a mode, by which, without varying its form, those encroachments might be restrained, and those abuses

corrected. An author was indeed at liberty to speculate at any length upon general doctrines of government; he might imagine to himself an Utopia or Atalantis, and argue upon abstract ideas of the rights in which government originates; but on no account was he permitted to render any of his lucubrations practically useful, by adapting them to the municipal regulations of France. The political sage was placed with regard to his country, in the condition of a physician prescribing for the favourite sultana of some jealous despot, whom he is required to cure without seeing his patient, and without obtaining any accurate knowledge of her malady, its symptoms, and its progress. In this manner the theory of government was kept studiously separated from the practice. The political philosopher might, if he pleased, speculate upon the former, but he was prohibited, under severe personal penalties, to illustrate the subject by any allusions to the latter. Thus, the eloquent and profound work of Montesquieu professed, indeed, to explain the general rights of the people, and the principles on which government itself rested, but his pages shew no mode by which these could be resorted to for the reformation of the constitution of his country. He laid before the patient a medical treatise on disease in general, instead of a special prescription, applying to his peculiar habits and distemper.

'In consequence of these unhappy restrictions upon open and manly political discussion, the French government in its actual state was never represented as capable of either improvement or regeneration; and while general and abstract doctrines of original freedom were everywhere the subject of eulogy, it was never considered for a moment in what manner these new and more liberal principles could be applied to the improvement of the existing system. The natural conclusion must have been, that the monarchical government in France was either perfection in itself, and consequently stood in need of no reformation, or that it was so utterly inconsistent with the liberties of the people as to be susceptible of none. No one was hardy enough to claim for it the former character, and least of all those who presided in its councils, and seemed to acknowledge the imperfection of the system by prohibiting all discussion on the subject. It seemed, therefore, to follow, as no unfair inference, that to obtain the advantages, which the new elementary doctrines held forth, and which were so desirable and so much desired, a total abolition of the existing government to its very foundation, was an indispensable preliminary; and there is little doubt that this opinion prevailed so generally at the time of the Revolution, as to prevent any firm or resolute stand being made in defence even of such of the actual institutions of France as might have been amalgamated with the proposed reform.'—Vol. i. pp. 69 to 71.

This is well thought, and well expressed; and the illustration which concludes the first paragraph, has a merit which our author's figurative illustrations do not always possess; it really illustrates.

The reign of Louis XVI. previous to the Revolution, is sketched in our author's usual lively manner; the character of that well-meaning, but weak and vacillating prince, is justly estimated, and the series of blunders by which the court not only precipitated the crisis, but threw away the chances of giving it a direction favourable to themselves, are tolerably exposed. But what our author sees and condemns in these proceedings is their weakness only, not their wickedness. The frantic struggles of enraged despotism to put down by force that rising spirit of liberty, which it already hated and feared with as much intensity as now after twenty years of exile—these are to be mildly censured, not for the atrocity of the end, but for the inefficacy of the means, and because the conspirators, being as imbecile as they were base, had the awkwardness to endanger their precious persons and privileges by the consequences of failure. A government, beggared by its profligate expenditure, exhausts every illegal resource, and tries all that can be done by the most desperate and tyrannical expedients to extort money from the people without giving them in return those constitutional reforms to which they were entitled; and this conduct appears to our author highly blameable, because it was *bad policy*, and rendered the crown "odious and contemptible." A government does its utmost to tread out the few sparks which centuries had not extinguished of freedom and constitutional control—it does this not so much as a year before the assembly is convened, which is destined to give to France a representative constitution; and this our author condemns—why? Because it excites "national discontent!" So liberal and indulgent is sir Walter Scott towards the royalists: but his liberality and indulgence stop there. When every violence which tyranny prompted and fear would permit, has been tried in vain, this government at length has recourse to the people, and condescends to *ask* for what it has at last found that it no longer has power to seize: the National Assembly meets, and by means of a temporary popular enthusiasm, wrings from the government ten times as many of its unjust privileges, as the parliaments had ever dreamed of questioning; it adds, by its reforms, the parliaments themselves, and the whole of the privileged classes, to the number of its enemies;—and now, if the Assembly is not so silly as to suppose that the power of misrule has been resigned willingly, if it harbours even a suspicion that the fate of the parliaments is in reserve for it, or takes the commonest precaution to secure itself against the hostility of the court, and of the numerous and powerful classes whom it has offended,—not only its conduct is disapproved of, but its motives

are misconstrued, and its whole system of action tortured and perverted. " Et voilà justement comme on écrit l'histoire.*"

* There occurs in the same chapter a signal instance of the almost incredible inaccuracy which runs through the details of this work. Our author asserts that the second assembly of Notables, which was called together by Necker, recommended that the *tiers-état* might have a body of representatives equal in number to those of the noblesse and clergy united. Now, he would have found in the commonest compilations, that this measure, commonly called the double representation of the *tiers*, was recommended by one only of the seven *bureaux* into which the Notables were divided, namely that over which Monsieur, afterwards Louis XVIII. presided; while the remaining six *bureaux* gave their suffrages against it, and the point was conceded, not in consequence of, but in spite of, the advice of that assembly.

We observe at the distance of a few pages from the above a still more striking inaccuracy, which is the more remarkable, as it makes directly against the partialities of the writer. It occurs in his account of the memorable 23rd of June, 1789; the day of the royal sitting, wherein the king annulled the early proceedings of the National Assembly, and in which Mirabeau made that emphatic reply to the satellite of despotism, which will be remembered so long as the memory of past events shall be preserved among men. In general, our author is apt to extenuate or pass over in silence the arbitrary proceedings of Louis XVI. or his court; but on this occasion, writing as usual from memory, he falls into a directly opposite error; for whereas Louis in reality only cancelled the resolution constituting the Etats Généraux a national assembly, and required them to separate for that day (in order that there might be no deliberation), and to assemble on the morrow in three chambers, as three separate orders, our author accuses him of having gone to the length of dissolving the assembly, an excess of despotism which he certainly did not meditate until the attempt to frustrate their proceedings by milder means had been tried and had failed. This blunder must relieve our author from the suspicion of bad faith, in the numerous instances in which his inaccuracies of detail might appear to have a political purpose.

Since we are on the subject of his minor errors, we will mention several more, which deserve notice, either from the carelessness which they indicate, or from the support which they lend to some of the reigning prejudices on the Revolution. Speaking of the revision of the constitution in the year 1791, after the king was brought back from his flight, our author says, "The Assembly clogged, however, the future inviolability of the king with new penalties. If the king, after having accepted the constitution, should retract, they decreed he should be considered as abdicated. If he should order his army, or any part of it, to act against the nation, this should in like manner be deemed an act of abdication; and an abdicated monarch, it was farther decreed, should become an ordinary citizen, answerable to the laws for every act he had done *before* or since the act of abdication" [i. 253]. All that is invidious in the enactments here cited, consists solely in the word *before*, which word is an interpolation of our author. The terms of the decree are, *pour tous les délits postérieurs à son abdication.* What is most remarkable in this blunder is the ignorance which it imports of the most universally and dramatically interesting portion of the history of the Revolution. On the king's trial, a great part of the discussion turned upon this very provision of the very decree here referred to: the speakers who contended against his condemnation taking

There is something amusing in the *naïveté* with which our author lays it down, that the elections ought to have been tampered with, to obtain returns favourable to the court; evidently without the slightest suspicion that a course so perfectly according to the English model, can deserve or incur the disapprobation of any body. He says, with equal gravity, that the public mind ought to have been preoccupied with arguments of a sound and virtuous tendency. This is extremely fine; but by whom preoccupied? By the court and aristocracy of France? "Sound and virtuous" arguments from such a quarter would indeed have been something new. By Necker?

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their stand upon that article of the constitution, which *exempted* the king, even after his abdication, from any responsibility for acts committed while he was king. Sir Walter Scott's reading of the decree would entirely exonerate the regicides; since Louis had certainly committed actions which, in any other person than the king, would have amounted to treason.

Our author is wrong in ascribing to the Constituent Assembly [i. 216] the ridiculous affectation of changing the titles of Monsieur and Madame, for Citoyen and Citoyenne. This piece of fanatical absurdity originated with the commune of Paris, after the 10th of August 1792 [see the *Histoire de la Revolution par Deux Amis de la Liberté*, ix. 24], and passed from them to the National Convention.

A more serious misrepresentation is that of the motives of the Constituent Assembly for adopting the *Constitution Civile du Clergé*. This measure, our author, in the spirit which pervades the whole work, imputes to "the fanaticism of the modern philosophers, who expected by this indirect course to have degraded the Christian religion" [i. 226]. It would become sir Walter Scott to be more careful of the evidence on which he advances these sweeping charges of irreligion. As is observed by Mignet, "La constitution civile ne fut pas l'ouvrage de philosophes, mais de Chrétiens austères." The Constituent Assembly, which is accused of pretending to reform the church only in order to destroy it, this very assembly, when Mirabeau laid before them for their adoption a proposed address to the people on the *constitution civile*, which is deservedly ranked as one of the most eloquent productions of that extraordinary man, would not even hear it out, because, though written in a highly religious tone, it contained some expressions reflecting too strongly upon the state and character of the church previously to the reform. Let sir Walter Scott take the trouble to refer, for his own refutation, to the mere names of those who composed the Ecclesiastical Committee of the Assembly. The constitutional church-establishment was devised by the Jansenists or rigid party, who are in the Catholic church nearly what the Calvinists are among Protestants; and especially by Camus, a leading Jansenist, well known in the revolutionary annals. The influence of this party, as well as of the Protestants, among whom Barnave, Rabaut-Saint-Etienne, and Boissy d'Anglas, were conspicuous, was very powerful in the Revolution, though little known in this country, where the stupidity of party prejudice attributes all to infidels. It was not so in France, where, as we learn from Ferrières, the non-juring priests imputed all the strong measures of the Revolution to the Protestants, in the hope of arming the Catholic peasantry against it by their religious animosities.

Does our author suppose that he could have retained his office for an hour, if he had attempted to promulgate among the people, either in his ministerial or in his private capacity, ideas of rational freedom? Necker shewed himself, on more than one occasion during the Revolution, unequal to the great difficulties of his very trying situation; but a writer who can so little appreciate those difficulties is scarcely entitled to sit in judgment on him, and affect to point out by what means he might have been more successful.

There was a reason, more than sir Walter Scott dreams of, for doing nothing to gain over the *tiers-état* to the court. Nobody doubted that they would *be* on the side of the court, without prompting. It was not from the commons, but from the privileged orders, that all resistance to the will of the monarch had previously come; it was they who, when called upon for the sacrifice of their pecuniary immunities, had demanded the convocation of the Etats Généraux to sustain them in their refusal. The commons, it was well known, were, and with good reason, inveterately hostile to the privileged orders, but they neither were, nor did any one suppose them to be, disaffected to the king; on the contrary, the privileged classes openly proclaimed that the *tiers-état* would be, as it had ever been, in favour of the king, and against liberty, that is, against aristocratical ascendancy. Accordingly the court party took no trouble to gain the *tiers-état*, while, on the contrary, every man and even every woman about the palace was assiduously engaged in paying court to the deputies of the noblesse, from whom alone any resistance was apprehended; and succeeded in gaining those who had taken the lead in the previous resistance, d'Epréménil and d'Antraigues.*

* Of the eagerness, and we will add, the duplicity and treachery, with which the deputies of the *noblesse de campagne* were caressed and cajoled by the men and women of the court, we have an amusing account from one of those deputies, the marquis de Ferrières [see his Memoirs, vol. i. pp. 34—7], who, though a decided royalist and anti-revolutionist, draws a picture of the courtiers both in respect to head and heart, which, indifferently as we think of courtiers in general, and of the French court in particular, we cannot help believing to be somewhat overcharged. Toulongeon [*Hist. de France depuis la Révolution de* 1789, vol. i. p. 25] describes these cajoleries in still stronger terms, and adds [p. 57] that attempts were made to gain the principal orators of the *tiers-état*, when it was afterwards found that this order was likely to become formidable. The court must therefore stand acquitted from the imputation of not having made ample use of those "usual ministerial arts" which our author fancies that they neglected, and thinks they ought to have employed. The following anecdote to the same effect, related by the royalist Dampmartin, is amusing. "Je dînai," says he, "chez le duc de Luxembourg,

That chivalrous loyalty, therefore, which sir Walter Scott admires in the *noblesse,* only commenced when they discovered that other persons than themselves were about to gain the ascendancy in the Etats Généraux, and that the engine which they had constructed in hopes to wield it against the royal authority, was wrested from them and turned against themselves, by that *people* whom they had scorned. *Then,* they were extremely willing to make a parade of their loyalty; as some of them who had never before mentioned the name of God but in mockery, became patterns of devotion from the moment when they had hopes that the yell of fanaticism might serve them to incite the country-people against the Assembly.* Then they were ready to die for that king, whom many of them had ridiculed and lampooned; that queen, whose character they had been the first to vilify†; and that despotism, against which, for their own purposes, they had struck the first blow‡. Yet,

. . . . Nous étions trop nombreux pour que l'entretien devînt général; mais on appercevait sans peine les soins consacrés avec peu d'art à séduire les provinciaux nouvellement débarqués. Je reçus en mon particulier des attentions qui ne me parurent pas naturelles. L'énigme se trouva résolue par la demande que me fit la duchesse, de quel bailliage j'étais député." [*Evènemens qui se sont passés à mes yeux pendant la Révolution Française,* i. 33—4]. The same writer hints that the exertions of Cazalès, the leading church-and-king orator in the Constituent Assembly, were partly the effect of similar allurements. "Cazalès, dont le riche talent a depuis fixé l'admiration générale, ne laissait encore appercevoir qu'une pétulance qui s'exaltait par les égards et les cajoleries que les habitans des cours savent si bien employer vis-à-vis des personnes dont ils pensent avoir besoin. Leurs charmes ont assez de pouvoir pour que les caractères les plus prononcés en soient amollis."—p. 34-5.

* Our authority is the memoirs of the royalist Ferrières, vol. ii. 199, 259.

† Our authority is the memoirs of the royalist Madame Campan, *passim.* See also the *Histoire de la Révolution par Deux Amis de la Liberté,* vol. ix. 215—6.

‡ On this point, we may at least indicate a portion of that evidence which we have not room to exhibit. That the privileged classes commenced the Revolution, by resisting, in the Notables, the proposed new taxes, and by demanding, in the assembly of the clergy and in the parliaments, the convocation of the Etats Généraux, is matter of undisputed fact. That they did so in the hope of getting the powers of government into their hands by means of an aristocratical legislature, is asserted in express terms by three royalists, Bouillé [*Mémoires,* ed. 12mo, vol. i. 49, 67, 69], Ferrières [vol. i. 2], and Marmontel [*Mémoires,* London ed. vol. iv. 12, 13], as well as by Madame de Staël, in her *Considerations,* &c. [vol. i. 177]. The whole of the introductory portion of the *History* of *the Revolution* by Fantin Desodoards, and the Memoir of Necker, which M. Boissy d'Anglas has annexed to his Life of Malesherbes, are filled with evidence of the same fact. For proof that the ministers relied upon the *tiers-état,* and its influence in the Etats Généraux, for support against the refractory nobles and parliaments, the reader may refer to Toulongeon [vol.

amid all this pretence, still true to their character, they thought merely of their own privileges, and not for one instant of his safety whom they professed to serve. The majority fled to the courts of other despots, there to stir up foreign enemies, to make war upon their country in the name of their king: that king being all the time, as they studiously gave out, a captive in the hands of the very men whom they thus irritated to frenzy. Those who remained proclaimed everywhere the king's insincerity, made his name a pretext for all their liberticide intrigues, and leagued themselves with the worst of the Jacobins to promote every measure which they thought calculated to raise the disorder to its height, in order to ruin those whom they hated bitterest of all, the partisans of an orderly and well-regulated liberty.*

We have now arrived at the opening of the Revolution itself: and from this point we can no longer give to our author's attempt at history, even that qualified praise which we have bestowed upon the introductory chapters. From this point it conveys none but false impressions: it is a story skilfully, and even artfully constructed for a purpose. We have no intention of imputing insincerity to sir Walter Scott. Though he obviously attempts throughout to impress the reader with a certain view of the facts, he probably is himself persuaded that this view is the true one. But that important branch of the talent of the narrator, which sir Walter Scott in his character of a romancer pre-eminently possesses, the art of so relating every incident that it shall strike the reader not as an isolated incident, but as a part of the train of events,—of keeping the whole posture of affairs, such as it is supposed to be in the story, constantly pre-

i. 15, 22], Madame de Staël [vol. i. 127], Bouillé [vol. i. chap. 4], Marmontel [vol. iv. 39], Bertrand de Moleville [*Mémoires Particuliers pour servir à l'Histoire de la fin du Règne de Louis XVI.* vol. i. 21, 22].

The state of opinion at the opening of the Etats Généraux is well described by the Abbé de Montgaillard [vol. i. pp. 235, 236.]

* We had made references to an incredible number of passages, chiefly from Bertrand de Moleville, Ferrières, Bouillé, Madame Campan, and other royalist writers, bearing testimony to the abhorrence in which the royalists held the very idea of a constitution even on the English model, the pertinacity with which they clung to the ancien régime, refusing to hear of the slightest modification or reform, and their inveterate malignity towards all the moderate revolutionists, contrasted with a sort of favour and partiality towards the furious Jacobins, whom, according to Madame Campan, they declared that every true royalist ought to cherish, because they were the enemies of their enemies, and because their excesses tended to the ruin of the Revolution. But we have not room to insert these extracts entire; while, if abridged, they would lose a great part of their force; and what hope can we entertain of convincing any one, whom the conduct of the royalist party since the restoration has not convinced?

sent to the reader's conception, and almost to his sight—is a talent most delightful in a novelist, most dangerous when the subject is real history, and the author's view of the posture of affairs happens to be wrong. It is nothing less than the art of so dressing up a fact, as to make it appear to mean more than it does; of so relating and arranging the events to be related, as to make them tell a different story from what would be implied in the mere chronological recital of them. We are far from maintaining that this mode of relating facts is always blameable. We by no means affirm that an historian should be required to state first the naked facts, without any admixture of inference, and then speculate upon causes, motives, and characters, if he pleases. It would often be impossible to find room for all the facts, upon which inferences of this sort may very properly have been founded; and such part of the facts as are related, when the nature of the case does not permit the introduction of the whole, may justifiably be coloured, that is, although not sufficient in themselves to prove the theory, may be so related as to suggest it, *if* the theory be true, and evidence to prove it be produceable on fit occasions. Our quarrel with sir Walter Scott is, that his theory is *not* true: that his view of the *rationale* of the French Revolution is *not* capable of being proved, but capable, on the contrary, of being disproved by the most cogent evidence. And if this be so, it undoubtedly is a great additional evil, that what cannot be proved is insinuated almost in every sentence; that the language in which the events are related, invariably implies a particular mode of accounting for them; that every separate fact as it arises, finds the reader artificially prepared to put that interpretation upon it which the author's system requires; that causes are feigned, and the events so managed as to appear the natural consequences of them; that the hypothesis is slid in and gains credence under cover of the facts, because they are so related as seemingly not to allow of any other explanation.

During the Revolution, a variety of shades of opinion manifested themselves, and a variety of distinct and hostile parties grew up, among the defenders of the popular cause. The vulgar mouth-pieces of aristocracy to whom in our own country the office of forming the public sentiment on the Revolution was abandoned, have generally lumped all these parties and opinions together, in order that all of them, and the Revolution itself, might share the opprobrium which is justly due to the terrorists alone. Sir Walter Scott is quite superior to these low artifices: but he has fallen into an error as gross, and far more plausible. He has committed the very common blunder of ascribing to

persons what was the effect of circumstances, and to settled design what was the result of immediate impulse. Every one of his characters has a part premeditated and prepared, and is ready to march upon the stage and enact it at the precise moment when his *entrée* will produce the most striking scenic effect. All the parties which gradually arose during the Revolution are represented as already existing from its commencement. At the very opening of the drama, we have already Constitutionalists, Republicans, and Jacobins, all of whom are described as even then entertaining all the opinions, and prosecuting systematically all the designs, which they manifested when they were most conspicuous, and most powerful. The struggle between the people and the court is made to appear, in all its stages, to have arisen solely from the endeavours of these different parties to carry their supposed designs into effect: the events are, with much skill, so presented as on every occasion to make the revolutionists appear the aggressors; they are pictured as omnipotent, having nothing to fear, nothing, for any good purpose, to desire; while the court and the aristocracy are represented from the first in no character but that of helpless unresisting victims, altogether without power even of self-defence, and quite impotent for attack. If any precaution, therefore, is taken, under the idea that any attack from that quarter is possible, it is held up as a studied indignity, intended to prepare the way for the subversion of the throne, and clear the ground for trying quackish political experiments, at the expense of a nation's happiness.

Now there is not a word of all this but what is purely fabulous. There is not a truth in history more firmly established, than the non-existence of any republican party at the commencement of the Revolution. The wishes of all then centered in a constitutional monarchy. There may have been, and probably were, speculative philosophers, at that time as at most others, who preferred in the abstract a republican form of government; but, if such there were, they had not the remotest idea of introducing it into France; and it is not proved that at this early period so much as one member of the Constituent Assembly was even in this speculative sense a republican. If any were so, they were of the number of those whom sir Walter Scott acknowledges to have been, in their conduct, supporters of monarchy.* The men who formed the extremity of the *côté*

* Lafayette, for example, who in his beautiful letter of thanks to the chevalier d'Archenholz, written in the dungeons of Olmutz, takes credit to himself for having sacrificed republican inclinations to the welfare of his country.

*gauche*, who were esteemed the most *exagérés* among the democrats, were Barnave, Duport, and the Lameths: yet all these, when at length there *was* a republican party, were its most determined opponents, and threw away safety, fortune, popularity, every thing which they most valued, to save the throne. One of the Lameths, even, on the subversion of monarchy, expatriated with La Fayette, and shared with him that memorable captivity which the brutal vengeance of an infuriated despot inflicted, and in which the author of "New Morality," in a spirit worthy of his sarcasm upon Ogden, found matter for savage exultation.

The very name of a French republic was scarcely breathed, never publicly pronounced, until the king's flight from Paris: when two years experience, terminated by that ill-fated attempt, had clearly proved the impossibility of trusting to his good faith, so long as all who surrounded him were inveterately hostile to the new order of things; when the experiment of a free constitution with him at its head, had decidedly failed, and all discerning persons saw the impossibility of arriving at a settled government, or maintaining the authority of the laws, while the executive authority was in hands which could not safely be intrusted with the power necessary to enforce them. It was not till after ample and melancholy experience of this fact, that some of those who afterwards composed the Girondist party became republicans; but even then, by the great majority of that party, nothing more was at first thought of than a change of monarch; and nothing more would have been thought of to the last, if the duke of Orleans, the only member of the royal family who was not inveterately hostile to the popular cause, had been of a character to possess, or to deserve, the smallest portion of public respect.

It may surprise some readers to find that sir Walter Scott makes no allusion to the Orleanist party, which used to be employed with so much effect, in the character of a bugbear, by the enemies of liberal principles in France. This party, which was supposed to comprise all the abler and more energetic of the adherents of the popular cause, was represented as compassing the king's destruction as a means, and, as an end, the elevation of the duke of Orleans either to the regency or to the throne, and of themselves to the principal offices of state. As it is unquestionable that Orleanists, if not an Orleanist party, did at one time exist, the discerning reader, when he finds that sir Walter Scott is generous enough to forego all the advantages which the impugners of the popular leaders have derived from the connexion of several of them with that unhappy man, is apt

to think that a writer with his partialities would hardly have been so unnecessarily candid on this point, without some ulterior object. Sir Walter Scott has sagacity enough to know, that different imputations suit different times, and that attacks upon visionary theorists *take* much better now, in this country at least, than accusations of aiming at personal aggrandizement under the mask of popular principles. This we suspect to be the true reason of his conjuring up a republican party, and putting aside not only what is fictitious, but what is true, in the denunciations of royalist writers against the Orleanists. For it is impossible that he should be ignorant (scanty and careless as his reading on the subject of the Revolution has been), that not Republicanism but Orleanism was the only reproach, connected with designs against the king, which was imputed at the time to any individual member of the Constituent Assembly: not Republicanism but Orleanism was the accusation brought against the only member of it, whom our author singles out by name as one of the republican party;* and, in fact, the only

* We mean Barnave. For the truth of our assertion, see the furious Memoirs of the Abbé Georgel; and a still more intemperate production (if that be possible), intituled "Conjuration d'Orléans," and attributed to the noted royalist writer, Montjoie. See even the work, above cited, of the Abbé de Montgaillard, vol. ii. p. 81.

It is extraordinary that our author, who is so incessantly harping upon a republican party—an organized body, whose leaders were in the Constituent Assembly, and who were perpetually busy in the active prosecution of their designs—should never be able to name more than one of these formidable persons, and that this one, by a *curiosa infelicitas*, should be Barnave; Barnave, than whom few men ever gave more solid proofs of his attachment to constitutional monarchy; Barnave, the very man who moved the re-establishment of royalty after the return from Varennes, when, if he had thrown his weight into the other scale, it is extremely probable, that a republican government might have been established without violence or danger.

This blunder of our author can be surpassed by nothing except the strange mental hallucination, for we will give it no harsher name, by which he has accused the same individual of having been betrayed by republican enthusiasm into palliating the massacres of September. We have far too good an opinion of sir Walter Scott to believe that he has invented a story, which we are certain that he cannot have found in any of the memorials of the times, and we will therefore only suppose that in writing from memory, he has confounded Barnave with some other and far different person. It would have been strange enough if Barnave had palliated the massacres of September, when, if we believe Mignet, he was himself marked out to be included in them, a fate from which he, as well as Duport and Charles Lameth, were only saved by Danton. Long before this time Barnave had retired from public life in disgust [see the Memoirs of Madame Campan, ii. 192], and far from considering the public good to center, as our author expresses it, in a pure republic, he had been engaged

shade of opinion which existed in the Assembly beyond what our author terms the party of Bailly and La Fayette, was Orleanism. The difference between the Orleanists and the other section of the popular party did not consist in a greater hostility to royalty; for, on the contrary, their leader Mirabeau was inclined, as his speeches prove, to give a larger share of power to the king than even Necker himself, the largest indeed which was at all consistent with the circumstances of the time, or perhaps with constitutional freedom. The distinction lay in this—that, while both parties desired a monarchical and representative government, La Fayette and the majority felt sufficient confidence in the good intentions of Louis, to be desirous of retaining him at its head, while the other party would have preferred his peaceable deposition, and the elevation of some individual to the constitutional throne, who had never known what it was to be a despot. All the more discerning among the friends of freedom, and especially Mirabeau, perhaps the only true statesman whom the Revolution produced, thoroughly distrusted the king. They knew, what in our times some other persons ought to have learned,—that it is next to an impossibility for a monarch, used to absolute power, to accommodate himself to limitations; and they were convinced that Louis, at least, was not the man who would be an exception to the rule. Incapable of maintaining and abiding by his firmest convictions, if they were in opposition to the will of those by whom he was immediately surrounded, he was formed to be the tool of any person who had the opportunity and the will to use him as such: completely at the beck of his queen and her counter-revolutionary counsellors, he had shewn by his conduct both before and immediately after the meeting of the Etats Généraux, that he was capable of being hurried into every extreme of despotism by such counsellors, although he personally did not share the passions in which their counsels originated: and the patriots thought, not without reason, that the man who, after saying that nobody except Turgot and himself desired the good of the people, could dismiss this same Turgot a few months afterwards, at the persuasion of the very men of whose worthlessness he was so clearly convinced, was a man whose good feelings were no security against the worst conduct. Having

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up to the last moment in a most bitter contest against the supposed partisans of a republic, and indeed (for such are understood to have been the views of the *feuillant* party) for the establishment of a second Chamber. It is even supposed that the letter of the emperor Leopold, denouncing the Jacobins, which produced so much irritation at Paris, was the composition of Barnave and Duport.

this opinion of Louis, these statesmen, though fully aware of all the objections to the duke of Orleans as a man, still thought, that owing the crown to the new order of things, and being unable to maintain it by any support but that of the friends of freedom, he would be less objectionable as the head of a constitutional monarchy, than a man who thought himself, and was thought by a powerful party, to be a despot by divine right. Our Revolution of 1688 formed at once a precedent for such a settlement of affairs, and an example of its beneficial effects. It is deeply to be regretted that uncontrollable circumstances prevented these views from being realized. As it turned out, the change of dynasty was only thought of for an instant, not by a party, but by scattered individuals, and thought of merely, like the republic at a later period, as a *pis aller*. The nullity of the duke of Orleans as a politician, which became more clearly manifested by subsequent events, and the complete annihilation of the little character he possessed, detached from him all the more sincere and disinterested of his adherents; and when Louis had so acted that even sir Walter Scott admits he ought not to have been replaced on the throne, these and many others, being of the same opinion with sir Walter Scott, became republicans because they had no choice.*

But it is not the republicans alone that have had the misfortune to offend our author: the constitutional royalists come in for nearly an equal share of his displeasure. Much good indignation, and no inconsiderable quantity of what is intended to be wit, is expended upon them, for rejecting the counsels of experience, and attempting to renovate the constitution of France by means of abstract and untried theories. It is with such vulgar weapons, that sir Walter Scott does not disdain to assail some of the most remarkable men who have ever figured in public affairs. To point out the real faults in the conduct of the early revolutionists—to shew in what respects the means which they employed, were ill-suited to attain the ends which they had in view,—*this*, it is not every body who is capable of; but if to dub them *theorists* be sufficient, then there is not a

* Of the view which has been taken of the Orleanist party in the text, the decisive evidence is of course to be sought for in the lives, the speeches, and the writings of the men themselves. But in order to shew that several of the most intelligent writers on the Revolution have concurred substantially in the opinion above expressed, we may refer the reader to Toulongeon [Histoire de France depuis la Revolution de 1789, vol. i. pp. 118-9], to Madame de Staël [Considérations sur la Révolution Française, vol. i. 2me. partie, chap. 6, near the end], and to a passage in Arthur Young [see, in his work on France, the diary of his third tour in that country, ad diem 12th June, 1789].

creature so dull, so ignorant, so thoroughly mean in understanding and void of ideas, who is not perfectly competent to condemn philosophers and statesmen without a hearing, and decide at his ease all the questions which perplexed the most thinking men of their day. It seems no more than reasonable to demand, in behalf of conclusions which are the result of thought, that some portion of thought shall also be deemed necessary in order to criticize them; and that a body of men, who comprised in their ranks nearly all the political wisdom which could be found in an age and country abounding in it, shall at least be thought worthy of having their motives and reasons weighed, and of being condemned, if condemned they must be, for the injustice or inexpediency of their course of action, not for its novelty.

It cannot be denied that the early revolutionists did attempt to discover what was the best possible form of government; and, having, in their own opinion, found it, did endeavour to bring the government of their own country as nearly into accordance with it as they could. We shall not seek to defend them against these imputations; but, if our author's objection to their scheme of government be that it was untried, we are entitled to require him to shew that there was any *tried* scheme, which would have afforded better prospects of success.

His opinion on the subject might have been foretold. It is, that they should have adopted the English constitution; or something as nearly resembling it as possible.

Now this, from a writer who is perpetually crying out against visionary projects, is a tolerable specimen of a visionary project; and its author is justly chargeable with the very fault which he imputes to the revolutionists, that of being so wedded to a favourite system, as to insist upon introducing it at all hazards, even when the very circumstances which constitute its excellence at other times, would infallibly work its destruction.

It is not on account of the imperfections of the British constitution, great as we deem these to be, on its native soil, that we blame those who, at this period of the Revolution, sought to introduce it into France. With all its defects, we are well content that foreign nations should look to it as their model; for there is little danger of their copying it in those parts which are the cause of our evils. It is not probable that they should fail of making their Lower House a real representative organ: and as we should be satisfied with this in our own country, so we are of opinion that in any other, the British constitution, with this modification alone, would suffice for good government.

But what may be very true of a settled order of things, it may be altogether absurd to affirm of a revolution. Why do

the King and the House of Peers, in this country, never convert the powers which they constitutionally possess, to the overthrow of the constitution and the abolition of the House of Commons? Nobody supposes that it is because they *would* not; for it is the theory of our constitution, that every one who has power seeks its enlargement, and, in times more favourable to them, they have attempted such things. It is because they *could* not; and because, power to effect such schemes being manifestly wanting, the desire never arises in their minds. Nobody, however, will deny that it is in their power to impede and thwart in a hundred ways the operations of the Commons, and even to put a stop to the business of government altogether. They have, therefore, much power, capable of being mischievously employed. Our security against their so employing it is, that they could serve no purpose by doing so, except that of destroying the constitution; and, of success in such a design, they well know that they have no chance. Give them a chance, and you will soon know the mischief which they can still do. Let the time ever come, when by the exercise of their powers in a manner opposed to the end for which those powers were given, the king may hope to erect an absolute monarchy, or the peers to establish themselves in undivided rule as an aristocratical senate, and we are justified in saying that either their powers must be suspended, or the government cannot be carried on. Such was the posture of affairs during the French Revolution; and he who does not carry this conviction along with him through the whole of its history, will never form a rational conception of the Revolution in any of its stages, much less as a whole.

If the attempt to establish a government of two chambers on the English model, had been made, the Upper House must have been formed from among the high noblesse and clergy, either by the king's choice, or by the suffrages of the privileged orders themselves. In whichever way selected, this second chamber would have been, as the high noblesse and the high clergy almost universally were, inveterately hostile to nearly every necessary reform, and (as soon as they saw that they were not about to have absolute control over the legislature) to the representative system itself. Not one of the great objects of the Revolution would, with their consent, have been effected; and either those objects must have been renounced, or it would have been necessary to decide which chamber should turn the other out of doors, or, what is most probable, the court would have taken advantage of their dissensions to discredit them in the public mind, and would have availed itself of the authority of one branch of the legislature to rid itself for ever of both.

This is what stamps the conduct and counsels of Mounier (whom our author characterizes as one of the wisest men in France), of Lally Tolendal, and the remainder of the *modérés* (or *monarchiens*, as they were afterwards called), with absurdity; and marks them as altogether unequal to the difficulties of the crisis which they had aided so powerfully in bringing on. That the intentions of these men were good, is not to be denied; but the good intentions of men, who not only give the most unseasonable and ruinous advice, but desert their post and abandon their country because that advice is not listened to, are of little use. The emigration of Mounier and Lally, at the time when, if ever, the presence of wise and moderate men was required, admits of but one excuse; and that is, the supposition that they were conscious of being deficient in all the qualities which could be available in troubled times, and felt that the moment was past when such men as they were, could act a part in the Revolution.*

Our author next pronounces that the Assembly erred, by not giving sufficient power to the king. He gets over all the difficulties of this question very summarily. It was surely very foolish in the Assembly to waste so much time and labour in anxious deliberation on points which our author settles so perfectly at his ease. Nothing can be more conclusive than the case he can always make out against them; nothing more completely satisfactory than the reasons he gives, to prove them always in the wrong; and the chief impression which is made upon the reader, is one of astonishment, that a set of persons should have been found so perversely blind to considerations so obviously dictated by sound policy and common sense. But when we examine the original authorities, we find that these considerations were no more unknown or unheeded by the Assembly than by our author himself. The difference in point of knowledge between them and him consisted chiefly in this, that they likewise knew the reasons which made for the *other* side of the question, and might therefore be pardoned if, being thus burthened with arguments on *both* sides, they were slower to decide, and sometimes came to a different decision from that which, as long as we confine ourselves to *one*, appears so eminently reasonable.

* We are aware that the ostensible motive for their desertion of their duty, was the horrors of the fifth and sixth of October; but it is difficult to mention such an excuse with a grave face. Without doubt, there was enough in the events of that day to disgust men, such as they were, of feeling and humanity; but, after all, what could become of a nation in troubled times, if the murder of two persons were sufficient to frighten every well-meaning and virtuous m[illegible]

The point which sir Walter Scott so quietly disposes of was, in fact, the great difficulty of their situation. There is no denying, that the king, or whoever else is placed at the head of the executive, ought to have more power than the Constituent Assembly gave him. And most of the popular leaders felt this strongly enough; *all*, after a very short experience of the constitution they had framed. In truth, the executive had not power enough to enforce obedience to the laws, or to prevent, in many places, the most worthless part of the population, often headed and organized by professional robbers, from availing themselves of the universal relaxation of restraint, and perpetrating the most horrid enormities. The popular party knew all this; but they knew also, that every atom of power which they gave to the executive over the military, through whom alone these disorders could have been suppressed, would be employed at the first favourable opportunity to put down the Revolution and restore absolute monarchy. It was this conviction, strong from the first, and continually gaining strength by the conduct of the court from 1789 to 1792, which finally brought on, and rendered imperatively necessary, the subversion of the throne. And it is this conviction which induced even d'Escherny, a writer who regards the republicans with horror, and calls the constitution of 1791 *un systême monstrueux*, to declare, that the day of the 10th of August decided whether France should be governed by an absolute king, or by demagogues, meaning the republican leaders.*

"Avant d'avoir une monarchie constitutionnelle," says M. Bailleul,† "il fallait vaincre les hommes puissans qui n'en voulaient pas. Les erreurs viennent de ce qu'on confond

* D'Escherny, *Philosophie de la Politique*, quoted at great length in the Appendix to the second volume of the *Memoirs of Madame Campan*. For the strongest and most distinct testimony to the fact, that what appears the unnecessary limitation of the king's power was not occasioned by any fanaticism of democracy, or bigotted attachment to system, but by real dread of the use to which that power would be converted, *vide* Madame de Staël, [vol. i. pp. 310, 318], who, being of the party of Mounier, and a perfect idolator of the British constitution, cannot be here suspected of partiality. Ferrières is, if possible, still more positive on the same point; [see vol. i. 368, 391, ii. 236-7, 481], passages which, although written by a royalist, and one who not only perceives but exaggerates the faults of the constitution of 1791, contain the most entire and honorable vindication of the authors of that constitution, which has ever appeared. The same author says, that the constitutional party were, perhaps, more deeply impressed than even the royalists, with the necessity of giving efficiency to the executive, as well as more sincerely attached to the person of the king.—Vol. iii. *Ib.*

† *Examen Critique de l'Ouvrage Posthume de Madame de Staël*, 2me partie, chap. ix.

toujours les institutions avec les combats qu'il fallait livrer pour les obtenir." This is a truth which, as applied to the French Revolution, our author cannot or will not see. In reading him, nobody would ever guess, that France had for the time no choice but between an absolute monarchy and a republic. Of the first we should never learn from him that there was the least danger; and to the latter, France according to him was only brought by the criminal recklessness of a set of hair-brained enthusiasts, wild in their ends and unscrupulous in the choice of their means, who were willing to let murder and rapine loose upon society, to deluge their country with blood-shed, and stain their consciences with guilt, for the mere difference between monarchical and republican forms.

"N'est-il pas bien étrange de voir," says M. Bailleul,* "et ceux qui prennent le titre d'historiens, et ceux qui prétendent faire de la morale sur la révolution, en saisir l'esprit, comme Madame de Staël," and we will add, like sir Walter Scott, "*faire une abstraction entière et complète de l'attaque,* ne s'occuper que de ceux contre qui elle est dirigée, signaler comme des forfaits, non seulement les coups que par erreur ou par esprit de vertige, ils se sont portés entr'eux, mais appeler surtout crimes, forfaits, les combats qu'ils ont livrés aux ennemis de la patrie?" This sentence might be imagined to have been written on purpose to describe the work before us. Our author systematically "makes abstraction of the attack," and treats the defence as a premeditated and unprovoked aggression. This it is to start with false ideas, and read just enough to be confirmed in them—not enough to correct them.

Burke has asserted, in one of his rhapsodies against the French Revolution, that, from the day when the Etats Généraux assembled at Versailles, despotism was no more. We will not take this assertion in the sense in which it was meant; for, in that sense, nothing was ever thrown out even by that author in his wildest moments, more glaringly absurd. But there is a sense in which it is perfectly well founded; that despotism, and the National Assembly, could not subsist together; and that the existence of the one necessarily implied the subversion of the other. The popular party were thoroughly aware of this. So were the royalists. They knew that, not indeed when the Assembly met, but as soon as it shewed itself firmly determined that France should be free, she *was* free, and could not be again enslaved while the Assembly remained, to guard and consolidate her freedom. Accordingly, the dissolution of the Assembly

* Vol. ii. p. 34.

entered into all their plans; and they never, for a single moment, ceased plotting to accomplish it. We agree with Burke, that the Revolution, so far as it was necessary or justifiable, was terminated when the Assembly met. From that time the struggle was not *for* a revolution, but *against* a counter-revolution. To the well-grounded apprehension of such a calamity, and to the precautions necessary to be taken in order to guard against it, ought really to be ascribed all those proceedings, both of the constitutionalists and of the Gironde, which, in the former party, our author imputes to the desire of reducing the royal authority to a name; in the latter, to a fanatical hatred even of the name.

Could the revolutionists forget that the attempt to put down the Revolution had once been made, and had failed only because the military had remembered that they were citizens before they were soldiers? We allude to the events which preceded the insurrection of Paris and the destruction of the Bastille.

Few of our readers, we hope, are ignorant, that in July 1789, when the Constituent Assembly had only sat for a few weeks, when it had done nothing, as yet, of what our author deems blameable in its proceedings; when his friends Lally and Mounier were still predominant in its counsels; when it had scarcely begun to occupy itself with the reform of abuses, or the establishment of a constitution, and had only had time to shew that it would not resign the entire power of legislation to the privileged classes, by giving to each order a separate voice; so early as this, troops from distant parts of the kingdom were marched upon Paris; a large force, under an avowed anti-revolutionist, was encamped in its immediate vicinity, and artillery was moved upon that city and upon Versailles, sufficient for a siege. At this juncture, Necker, and all the ministers not decidedly hostile to the new order of things, received an abrupt dismissal, and Necker was banished from France. They were succeeded by men notoriously inimical to the Revolution; men odious to the people, some of them for their personal corruption, all for their political views, and every thing seemed prepared for dissolving the Assembly and crushing resistance by force of arms. That this purpose was really entertained, none but the most prejudiced and dishonest even among the royalist writers have hitherto been bold enough to deny. The king in person, at the famous *séance royale*, had threatened the Assembly with dissolution if it did, what it had nevertheless done.* The courtiers themselves made no secret of what

* His words were, "seul je ferai le bien de mes peuples; seul je me considérérai comme leur véritable représentant; et connaissant vos cahiers, &c. &c.—See the *Mémoires de Bailly*, vol. i. p. 213.

was intended: with their accustomed fool-hardiness, they openly triumphed in the approaching humiliation of the popular party, and punishment of its leaders; and it is a fact known to many now living, that several members of the minority of the noblesse, who had relatives or friends connected with the court, were warned by them* to save themselves, by a timely flight, from the death or captivity which was in store for them. At this crisis the people rose in arms, organized the burgher-militia afterwards called the National Guard, were joined by a portion of the military, took the Bastille, and reduced the court to the necessity of indefinitely postponing the execution of its criminal design. Now let us hear our author speculate, and conjecture, and calculate, probabilities, in opposition to the plain and well-established facts above related.

'The successful party may always cast on the loser the blame of commencing the brawl, as the wolf punished the lamb for troubling the course of the water, though he drank lowest down the stream. But when we find one party completely prepared, and ready for action, forming plans boldly, and executing them skilfully, and observe the other uncertain and unprovided, betraying all the imbecility of surprise and indecision, we must necessarily believe the attack was premeditated on the one side, and unexpected on the other. The abandonment of thirty thousand stand of arms at the Hotel des Invalides, which were surrendered without the slightest resistance, though three Swiss regiments lay encamped in the Champs Elysées; the totally unprovided state of the Bastille, garrisoned by about one hundred Swiss and Invalids, and without provisions even for that small number; the absolute inaction of the Baron de Bezenval, who—without entangling his troops in the narrow steeets, which was pleaded as his excuse—might, by marching along the Boulevards, a passage so well calculated for the manœuvres of regular troops, have relieved the siege of that fortress; and finally, that general's bloodless retreat from Paris—shew that the king had, under all these circumstances, not only adopted no measures of a hostile character, but must, on the contrary, have issued such orders as prevented his officers from repelling force by force. We are led, therefore, to believe, that the scheme of assembling the troops round Paris was one of those half-measures, to which, with great political weakness, Louis resorted more than once—an attempt to intimidate by the demonstration of force, which he was previously resolved not to use.'—Vol. i. pp. 163—5.

And accordingly, the insurrection is ascribed to "dark intrigues," which had been long formed by the Republican and Jacobin parties for the subversion of the throne. Thus far sir Walter Scott. Now hear the marquis de Ferrières; himself a

* Ferrières also attests the fact, vol. i. p. 122.

member of the Assembly, a deputy of the noblesse, who always voted with the noblesse, and who is so far from being a revolutionist, that there are few of the revolutionists to whom he will allow the common merit of sincerely desiring the public good:—"Trente régimens," says he, "marchaient sur Paris. Le prétexte était la tranquillité publique; l'objet réel, la dissolution des états [vol. i. p. 71];" with much more to the same effect, from which we shall quote only what follows. The circumstances which it relates took place on the very day on which the Bastille was taken, and are the more memorable from the allusion made to them the next day by Mirabeau, in perhaps the most splendid apostrophe recorded in history.

"La cour était résolue d'agir cette même nuit. Les régimens de Royal-Allemand et de Royal-Etranger avaient reçu ordre de prendre les armes. Les hussards étaient portés sur la place du château; les gardes-du-corps occupaient les cours. A ces préparatifs menaçans la cour joignit un air de fête, qui, dans la circonstance, ajoutait l'insulte à la cruauté. Le comte d'Artois, les Polignac, Mesdames, Madame, et Madame d'Artois, se rendirent sur la terrasse de l'orangerie. On fit jouer la musique des deux régimens. Les soldats, auxquels on n'avait pas épargné le vin, formèrent des danses: une joie insolente et brutale éclatait de toutes parts: une troupe de femmes, de courtisans, d'hommes vendus au despotisme, regardaient cet étrange spectacle d'un œil satisfait, et l'animaient par leurs applaudissemens. Telle était la légèreté, ou plutôt l'immoralité de ces hommes, qu' assurés, à ce qu'ils croyaient, du succès, ils se livraient à un insultant triomphe. L'assemblée nationale offrait un aspect bien différent, un calme majestueux, une contenance ferme, une activité sage et tranquille, tout annonçait les grands desseins dont elle était occupée, et le danger de la chose publique. Ce n'était point ignorance des desseins de la cour. L'assemblée savait qu' *au moment même de l'attaque de Paris*, les régimens de Royal-Etranger et les hussards devaient environner la salle des états-généraux, *enlever les deputés* que leur zèle et leur patriotisme avoient désignés pour victimes, et *en cas de resistance employer la force*. Elle savait que le roi devait venir le lendemain faire accepter la déclaration du 23 Juin, et *dissoudre l'assemblée;* que déjà plus de quarante mille exemplaires de cette déclaration étaient envoyés aux intendans et aux subdélegués, avec ordre de les publier, et de l'afficher dans toute l'étendue du royaume."—Vol. i. p. 130.

Is this sufficient? We are curious to know what more

unexceptionable evidence our author can demand. No doubt he disbelieves Ferrières—though he too can quote Ferrières when it answers his purpose. No doubt he disbelieves Madame de Staël;* he disbelieves Bailly;† he disbelieves Dumouriez—a writer to whom, on other occasions, he gives even more credit than is due, and who informs us, that, even at Cherbourg, the royalists were exulting in their anticipated victory, and triumphing in the thought that the minority of the noblesse were, perhaps, already in the Bastille.‡ But we will make free to inquire, does he disbelieve two persons, who ought to know whether the design existed or not; viz the person who planned it, and the person who was to have executed it—the minister Breteuil, and the minister and commander of the troops, the Maréchal de Broglie himself? The former boasted, both subsequently and at the time, not only of the conspiracy, but of what were to have been its sanguinary consequences; and named several of the very men who were marked out to pay with their lives the penalty of having wished their country to be free. As for Broglie, the letter is extant in which he offered himself to be the wretched instrument in the perpetration of crimes, compared with which those of the butcher of Porlier and Lacy are innocence itself. "Avec cinquante mille hommes," says he, "je me chargerais volontiers de dissiper tous ces beaux esprits qui calculent sur leurs prétentions, et cette foule d'imbécilles qui écoutent, applaudissent, et encouragent. Une salve de canons, ou une décharge de coups de fusils, aurait bientôt dispersé ces argumentateurs, et remis la puissance absolue qui s'éteint, à la place de cet esprit républicain qui se forme." See the Correspondence published at Paris and London in 1789, and never disavowed; or the History, by the abbé de Montgaillard.§ We shall now adopt the words of the latter author. "Lorsque le maréchal de Broglie eut pris le commandement des troupes destinées à dissoudre l'assemblée des états-généraux, le Baron de Breteuil, qu'on pouvait considérer en quelque sorte, comme premier ministre, par l'influence sans bornes qu' il exerçait sur l'esprit de la reine et sur celui du roi; le baron de Breteuil disait, portes ouvertes; 'Au surplus, *s'il faut brûler Paris, on brûlera Paris, et l'on décimera ses habitans:* aux grands maux, les grands remèdes.' On répète mot pour mot ce qu'on a entendu dire au baron de Breteuil en

* Considérations sur la Révolution Française, vol. i. 231-2.

† Mémoires de Bailly, vol. i. 191, 299, 313, 342, 361, 391-2. Some of these passages prove more, others less, but all are important.

‡ Mémoires de Dumouriez, vol. ii. p. 35.

§ Vol. ii. pp. 63-4.

1794, ce dont il se glorifiait encore à cette époque.* . . On tient également de ce ministre, que le duc d'Orleans, le marquis de la Fayette, le comte de Mirabeau, l'abbé Sièyes, Barnave, Chapelier, Lally-Tolendal, Mounier, et huit ou dix autres membres de l'assemblée nationale étaient désignes comme victimes impérieusement réclamées par le salut du trône et de l'état. Une compagnie de canonniers avait été casernée aux écuries de la reine, et l'on ne cachait pas que cette compagnie était destinée à mitrailler l'assemblée."†

Let no man wonder that Mounier and Lally, men whose love of freedom was sufficiently lukewarm to suit even sir Walter Scott, were doomed to perish on the same scaffold with Barnave and Mirabeau. To have desired the liberty of France was an offence which nothing could redeem. By being more scrupulous, more moderate, a less envenomed opponent than the rest, all which was ever gained was, to be more bitterly detested. An enemy always hates those most whom he most fears; a criminal ever most abhors those among his pursuers whom he believes to be most inflexibly virtuous.

It is of little use to heap up quotations in order to convince a writer who, by an elaborate argument, concludes that it is most likely a thing is white, when every credible person who has seen it assures him that it is black. Yet we cannot refrain from quoting one passage more; it is from Lacretelle; an author whose principles are those of the most decided royalism, and who has written a History of the Constituent Assembly, in a spirit generally as unfair as that of sir Walter Scott, but who, on this occasion, pays the following tribute to truth :—

"Le château était rempli de généraux, de colonels, d'aides-de-camp qui revenaient essouflés de leurs courses insignifiantes. Tout présentait à la fois un air de mystère et de confiance. Le roi seul laissait lire sur son visage la perplexité de son esprit. La reine semblait jouir avec orgueil de la pensée qu' elle seule dirigeait toute cette noblesse armée pour la défense

* "Et dix ans plus tard," the author indignantly adds, "ce despote de la vieille roche (suivant son expression favorite), était dans les antichambres de Cambacérès, et recevait de Napoléon une pension de douze mille francs sur sa cassette!" There would be matter enough for indignation here, if it were rational to be angry with the beasts of the field for merely following their nature. Any act of baseness is credible in a royalist of 1789. The court of Napoleon was thronged with *émigrés* of the 14th of July: It was the despotism which they had valued, not the despot. No one licked the dust before the *parvenu* emperor with greater *gusto* than the abbé Maury, than whom a more unprincipled *intrigant* never sold his conscience for gain.

† Histoire de France depuis la fin du règne de Louis XVI. vol. ii. pp. 62-3.

du trône. Sa figure était empreinte d'une majesté nouvelle. Les adorateurs de la cour lui faisaient oublier les aveugles et atroces malédictions du peuple. *Il n'était plus douteux pour personne qu'un coup d'état ne dût être frappé.* Quelles en devaient être la force et l'étendue? Les mémoires de ce temps sont si stériles et si rares, qu'ils fournissent peu de moyen d'éclaircir ce mystère. Ce qu' il y a de certain, c'est que la reine, ni le comte d'Artois, n'avaient ni conçu ni présenté des projets sévères et cruels, qui, fort éloignés de leurs propres penchans, auraient fait une violence intolérable au cœur du roi. Il s'agissait, si j'en crois et la vraisemblance et les renseignemens particuliers qu'il m'a été possible de recueillir, de faire respecter la déclaration du 23 Juin dans toute son étendue, d'y ajouter encore quelques clauses satisfaisantes pour le parti populaire, et de *dissoudre l'assemblée*, si elle persistait à vouloir, à elle seule, déterminer la constitution du royaume."—Vol. i. pp. 68-9.

This is the testimony which sir Walter Scott would refute by a ratiocination: and what a ratiocination! Nothing can be more engaging than the amiable simplicity which it betokens, if the author is himself persuaded by his own reasoning. That want of preparation, or rather of means adequate to the intended purpose, which was really owing to blind, besotted, headlong confidence, imagining that the troops had only to show themselves and all would be quiet, he, good man, esteems a demonstrative proof that no violence was intended! Truly it is no wonder that they were unprepared, when, on the very day of the capture of the Bastille, at the very instant when a deputation of the Assembly was waiting upon the king, to represent to him the state of Paris, and express their alarms; "l'intendant de Paris était dans la chambre, en bottes et le fouet à la main, assurant que tout était tranquille;"* when, "le soir même du 14 Juillet, on regardait à Versailles dans les cercles des femmes à-la-mode et des petits-maîtres, tous les avis que l'on recevait de Paris comme autant de fables; à les entendre, il ne s'agissait que de quelques misérables, dont la maréchaussée ferait justice."†

Hear Ferrières again:—"La cour, habituée à voir Paris trembler sous un lieutenant de police, et sous une garde de

* Toulongeon, i. 17, 18. The vicomte de Toulongeon was himself a distinguished member of the minority of the noblesse, and his History is equal in authority to the memoirs of an eye witness. It is by far the most instructive and most philosophical work of its class.

† Lavallée, Histoire des Factions de la Révolution Française, vol. i. p. 86.

huit cents hommes à cheval, ne soupçonna pas même une résistance. Elle ne prévit rien, ne calcula rien, ne songea pas même à s'assurer des soldats dont elle voulait faire l'instrument de ses desseins." [vol. i. p. 75.] And again, speaking of the ministers, "Ils regardaient la situation de Paris comme l'effet d'une émeute passagère; ils ne doutaient pas qu' à l'approche des troupes le peuple tremblant ne se dispersât, que les chefs consternés ne vinssent implorer la clémence du monarque" [p. 116]. He even intimates a suspicion that they allowed the insurrection to proceed, in order that they might have a better excuse for the rigorous measures which they had previously resolved upon [p. 115].*

No wonder that the king had not given the necessary orders, when he was kept in such profound ignorance of what was passing, that he did not even know of the insurrection, and the capture of the Bastille, until the duc de Liancourt, a member of the popular party in the Assembly, who had access to him by office, as grand master of his wardrobe, awakened him in the night, and apprised him of those events which his counsellors had till then concealed from him:—"Mais, dit le roi, après un silence, c'est une revolte.—Sire, c'est une Revolution."†

Our readers must excuse us for dwelling a little longer on this great æra in the history of the Revolution. If the events themselves are important, the manner in which they are here treated is no less curious, as a specimen of the book. We are presented with a lecture, in a strain of lofty morality, on the duties which were incumbent upon Louis in this great emergency. We are told, that he ought to have marched into Paris at the head of his guards, and put down the insurrection by the strong hand of power: his life itself was not too much to be sacrificed in the performance of this sacred obligation, so exalted is sir Walter Scott's idea of the duties of kings; but, when

* Montgaillard [vol. ii. p. 82] confirms the assertion.

† Toulongeon, i. 78, &c. &c. The cause of the precipitate retreat of the baron de Bezenval is thus stated by Montgaillard, on the authority of the minister Breteuil, as before: "Le baron de Bezenval faisait achever des bains où toutes les recherches du luxe avaient été prodiguées; il craignait leur dévastation, et ce favori, si brave à Versailles, donna aux troupes placées sous ses ordres l'ordre de battre en retraite, *quoique le roi lui eût formellement prescrit d'avancer, coûte qui coûte.* M. de Breteuil s'exprimait publiquement de la sorte sur cette particularité, pendant son séjour à Londres."—vol. ii. p. 81. The reader will recollect, that from this inaction of Bezenval, sir Walter Scott concludes, not only that Louis had *not* ordered him to attack Paris, but that he had *expressly* ordered him not even to repel force by force. No wonder; our author's knowledge of the events of this day being chiefly derived from the Memoirs of the veridical baron de Bezenval himself.

the revolt was quelled, our author is pleased to say that Louis would have been infinitely criminal, if he had not given to his subjects a national representation. This is excellent advice, and admirably, no doubt, the latter part of it would have been observed, if the enterprise had succeeded; but we could have suggested something which would have been still better, viz. not to attempt to deprive his subjects of the national representation which they already possessed. This would have been less grand; it would not have called upon the monarch for any exposure of his life; but it would have prevented the insurrection. To tell us that Louis ought to have put down the tumults and to have renounced despotism, when if he had renounced despotism there would have been no tumults to put down, is a very pleasant way of begging the question against the people. Other persons besides kings would have reason to be thankful for a similar lesson of morality. You rob a man of his watch: the man discovering the theft, seizes you by the collar, and insists upon your giving back the stolen property: at this juncture sir Walter Scott comes up, and lectures you as follows:—Knock down the insolent aggressor: when you have done this, I shall then hold you infinitely criminal, if you do not restore to him his watch; but in the mean time, I will gladly assist you in chastising him, his violence deserves it!

We must not pass unnoticed another characteristic trait in our author's narrative of these transactions. When the soldiers, who were intended to overawe Paris, fraternized with the people, and refused to fire upon their fellow citizens, he can find no means of accounting for conduct so extremely un-military, except the influence of debauchery. "They were plied," says he, "with those temptations which are most powerful with soldiers—wine, women, and money, were supplied in abundance—and it was amidst debauchery and undiscipline that the French army renounced their loyalty, which used to be even too much the god of their idolatry, and which was now destroyed like the temple of Persepolis, amidst the vapours of wine, and at the instigation of courtezans."—Vol. i. p. 154.

Does not sir Walter Scott richly deserve the pointed sarcasm of Madame de Staël, upon the royalist party? "Un des grands malheurs de ceux que vivent dans les cours, c'est de ne pouvoir se faire une idée de ce que c'est qu'une *nation*."* Once more, does our author really not believe in the possibility of public spirit or patriotism, or if these expressions do not please him, sincere enthusiasm? The alternative

* Considerations, &c. vol.

was that of being slaves or freemen, of enslaving their countrymen or helping them to be free; and he can find no more creditable motive for preferring freedom, than wine, women, and money! If sir Walter Scott had one tenth part as much knowledge of the Revolution, as an author who writes its history ought to have, he would have known that the sentiments which, according to him, it required debauchery to excite in the regiments assembled at the metropolis, were shared by the military without the aid of debauchery, all over France. Let him read, for example, the address of the garrison of Strasbourg to the National Assembly on the 16th October, 1789, a perfect model of propriety and good taste: * let him read in Dumouriez's Memoirs † the conduct of the garrison of Cherbourg; let him read in Bouillé's Memoirs, ‡ or in Soulavie's Annals of Louis XVI., or in the Life of Malesherbes, § the refusal of the troops in Dauphiné, even before the Revolution, to act against the people: ‖ let him read in the "Histoire de la Révolution par Deux Amis de la Liberté," numerous instances of the most sublime disinterestedness and self-devotion in these very *gardes-françaises* whom he has so unjustly inculpated, and he will then see whether these were men who needed the "vapours of wine" and the "instigation of courtezans," to impel them to act as citizens and freemen ought.

We make no apology for having detained our readers so long on the first and greatest epoch of the Revolution. Where, from the immensity of the subject, much must necessarily be left undone, it is better to establish one important point thoroughly, than a hundred imperfectly. If the reader is now convinced, that sir Walter Scott has altogether misunderstood and misrepresented that event upon which all the subsequent history of the Revolution turns (and if he is not, we utterly despair of making any impression upon him), he will be willing to believe without much further proof, that the other great events of the Revolution are similarly dealt with. Yet, in alluding to the plots and aggressions of the royalist party against the order of things established by the Constituent Assembly, we cannot help pausing for a moment at the famous fifth of October, 1789, to

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* In the Appendix to the first volume of Toulongeon.

† Vol. ii. p. 48. ‡ Chap. iii.

§ Essai sur la Vie, les Ecrits, et les Opinions, de Malesherbes. Par M. le Comte Boissy d'Anglas.—Vol. ii. p. 191.

‖ See also, on the sentiments of the army in general Madame de Staël, Considerations, &c. vol. i. pp. 208, 213; and the Memoirs of Bertrand de Moleville, vol. i. p. 25.

give a further specimen of our author's fitness for the office of an accurate and impartial historian.

We need scarcely remind any reader, not thoroughly unacquainted with the facts of the Revolution, that, on the occasion to which we allude, the king was brought from Versailles to the Tuileries, under circumstances of considerable indignity, by a mob of Parisians who sallied out from Paris for this if for any preconcerted purpose, and by a portion of whom, during their stay at Versailles, various excesses were committed, and in particular an attempt was made (there is too much reason to believe) against the life of the queen. In all this, our author is very perfect; but he never hints that a plot existed among the royalists to convey the king to Metz, and placing him under the protection of the anti-revolutionary general Bouillé, to commence a civil war; that a variety of other intrigues were on foot for effecting a counter-revolution, and that the removal of the king from Versailles to Paris, was really on the part of the revolutionists a defensive act. Yet he would have found all this asserted not only by many writers of the constitutional party, but by the royalist Ferrières;* it has been avowed by Breteuil, Bouillé, and the comte de Mercy, then ambassador of Austria at the court of France;† and it may be gathered even from the proceedings before the Châtelet, notwithstanding the strenuous efforts of that tribunal to disguise it. Our author does not scruple to quote Ferrières for an insignificant expression vaguely attributed to Barnave, which he imagines can be turned in some manner to the discredit of that distinguished person. We have seen, however, that sir Walter Scott can be very incredulous, as well as very easy of belief, when a favourite hypothesis is concerned. Even if he did not give credit to the assertion of Ferrières with respect to the royalist plots, that assertion proves at least, that their reality was generally believed; and might have suggested to our author that there may have been a more creditable motive for wishing to bring the king to Paris, than the desire of placing him and the Assembly "under the influence of popular frenzy."

But our author had a different theory. We need scarcely say, that in his theory all is ascribed to the manœuvres of the republican party; his established mode of accounting for all the commotions under the first two national assemblies. The imputed object of these agitators, is of course the establishment

* Mémoires, Vol. i. pp. 261, 263, 278, vol. ii. p. 177.
† Montgaillard, vol. ii. p. 154.

of a republic; and he insinuates that regicide formed, even at this time, part of their ultimate intentions. Need we repeat, that this pretended republican party is a mere fiction of his own brain; that no such party existed for nearly two years afterwards; and that most of the men who subsequently composed it were, at this time, peaceably following their professions at Bordeaux or Marseilles? Will our author pretend that Mirabeau and the duke of Orleans were republicans; or will he deny, that, by the universal admission of revolutionists and royalists, this affair was concerted by them, if concerted at all? Sir Walter Scott is not contented with inventing leaders for this popular tumult, he must invent subordinate agents for it too. "The Jacobins were the first to sound the alarm through all their clubs and societies." The reader may form some conception of the accuracy of this history, and of the spirit in which it is written, when we inform him, that at this time the Jacobin club did not exist, much less any of the affiliated societies. The "alarm" was sounded, to use our author's expression, not in any club or society, but in the district assemblies, and in a place tolerably well known in the Revolution, to wit, the gardens of the Palais-Royal; not by Jacobins, but by all the more ardent and enthusiastic partisans of the Revolution, to whom indeed it is sufficiently fashionable to give that now opprobrious name, but who had nothing whatever in common with the party called the Terrorists, to whom alone the appellation of Jacobins is usually given by our author.

The reader must forgive us, if a desire to do justice to the wisest, most honest, and most calumniated, body of legislators, who ever held in their hands the destinies of a nation, induces us to be more prolix than may perhaps suit that class of minds, to whom the truth or falsehood of an historical statement is matter of indifference compared with its liveliness or dulness. It is for the maligner of the Constituent Assembly, it is for the apologist, the panegyrist, of the vindictive and sanguinary satellites of despotism, it is for him to be amusing, he knows that his readers, at least those whom he chiefly cares for, are to the full as eager to believe him, as he to be believed. It is for sir Walter Scott to assert: *our* part must be to *prove*. Assertion is short, and proof is long: assertion is entertaining, and proof is dull: assertion may be read, as glibly and as cursorily as it is written; proof supposes thought in the writer, and demands it of the reader. Happy the historian who can permit himself to assert, for he will count ten readers to one of him who is compelled to prove!

There was scarcely a month during the first three years of

the Revolution, which was not signalized by some plot or counter-revolutionary movement in the interior.* In the south of France, large bodies of armed men were repeatedly collected, for the avowed purpose of restoring the ancient order of things. The assemblages which took place and the camps which were formed at Jalès and elsewhere, form a highly important, though to most persons almost an unknown, chapter of the history of the Revolution.† Armed bodies of emigrant Frenchmen were constantly hovering over the frontiers, by the connivance, and at length with the open encouragement, of the neighbouring powers: while France might be said to be without an army for her defence, the officers being counter-revolutionists almost to a man, feuds existing in most of the regiments between them and the soldiers, which were fomented even by the royalists, in order to disorganize the army, and disable it from offering any effectual resistance.‡ The ministers of the king were several of them declared anti-revolutionists. The courtiers and the privileged classes were continually giving out, that the emigrants were on the point of returning with a powerful army to dissolve the Assembly, and deliver its leaders to the rigour of the law.§ The royalists openly and universally asserted that the king was insincere in his professions of attachment to the new institutions; and nothing contributed more than these reports, to convert the enthusiastic attachment which was universally manifested towards him when he gave in his adhesion to the constitution, into suspicion and hatred. Ferrières|| has no doubt that, if Louis had put forth his authority, and exerted his personal influence over the troops, he could have crushed the Assembly; and so conscious were the popular leaders of their own insecurity, that the abbé Sièyes said to a person, from whom we have the information, *toutes les nuits je vois ma tête rouler sur le plancher.* Even in 1791, the aristocrats, according to Ferrières, "ne parlaient que de guerre, de sang, et de vengeance."¶ It was suspected at the time, it is now fully established by the avowals of the minister Bertrand de Molleville (who enters into the minutest details on the subject), that the king was in regular correspondence with the emigrants and with foreign powers, to procure his restoration to absolute authority by Austrian

* See volumes ii to vi of the "Histoire de la Révolution, par Deux Amis de la Liberté."

† See, for many interesting particulars, the work of Dampmartin, above referred to.

‡ Ferrières, vol. ii. p. 99. § Ferrières, vol. ii. p. 100.

|| Vol. i. p. 391. ¶ Vol. ii. p. 254.

bayonets.* Meanwhile he continued to profess, in language apparently the most feeling and sincere, his adherence to the new order of things. He came spontaneously to the Assembly on the 4th of February, 1790, to associate himself formally (such was his expression) with the plans and proceedings of the Assembly; and professed a devoted attachment to the new constitution, in a really eloquent and affecting speech, if we could suppose it to be sincere, which rendered him for a considerable time the idol of the people. At the federation of July 1790 (an event of which, strange to say, our author makes no mention), he solemnly swore adherence to the constitution; he spontaneously renewed his oath but a few weeks before his flight from Paris;† he spontaneously addressed to his ambassadors abroad, for communication to the courts at which they were accredited, a long letter, embodying every thing in sentiment which was constitutional, and revolutionary, and such as La Fayette himself would have dictated, together with the firmest assurances that he highly approved of the Revolution; that France's greatest enemies were the enemies of the new order of things, and that the pretence that he was not free was a calumny:‡ again and again he solemnly assured La Fayette, Rochambeau, and others, that he had no intention of flying; and this almost up to the very day when he fled to join the allies, leaving behind him a solemn protestation against all which had been done since the 5th of October 1789, from which date, he pretended, his want of liberty had rendered the sanction which he had given to all the decrees of the Assembly, a nullity.

We do not recite these facts for the sake of casting reproach upon the memory of Louis. His faults have been bitterly expiated. But, in bare justice to the men who, after all this, had the generosity to replace him on the throne, it ought to be considered whether they had not reason to be niggardly of power to such a king, so circumstanced; a king, whose word, whose oath, was an empty sound; a king, incapable of adhering to his firmest convictions, and surrounded by persons who, if he formed an honest resolution, never suffered him to keep it.

If we have had any success at all in convincing our readers,

* Mémoires particuliers, &c. par Bertrand de Molleville, vol. i. 371, 373, 375, 377; vol. ii, 309, 312—3, 317, 323 *et seqq.* 329, 331, 332.

† Mémoires de Dumouriez, vol. ii. p. 111, &c. &c.

‡ This letter may be found entire in the Appendix to the second volume of Dumouriez's Memoirs, forming part of the collection of Memoirs on the Revolution, now publishing at Paris. It may not be useless to remark, that our references to the pages of any work forming part of this collection, are to be understood of that edition, unless otherwise expressed.

we have now made it apparent to them, that the Constituent Assembly understood their own position, and that of their country, far better than sir Walter Scott imagines; and that if they did not adopt the course which he, judging after the event, imagines would have prevented the ills which befel their country, it was not because they were less wise than he, but because they were wiser. No course which they could have adopted would have been so dangerous, as to establish a vigorous and efficient executive government with Louis at its head. And few will blame them for not having adopted the only third course which was open to them, the deposition and confinement of the king; few will deny that, before proceeding to this last and most painful extremity, such a scheme of limited monarchy as they attempted was an experiment which they would not have been excusable if they had refused to try. It is on the probabilities of success which this scheme held out, that we ground the justification of the Constituent Assembly; it is on the failure of the experiment, that we rest our defence of the Gironde, or, as our author terms it, the Republican party, who succeeded them.

None have sustained so much injustice at the hands of our author as this last, and most unfortunate party: of none have the conduct and aims been so miserably misunderstood, so cruelly perverted. The following extract is a very favourable specimen of his mode of treating them.

After saying that the Girondist party was "determined that the Revolution should never stop until the downfal of the monarchy," our author continues:

'Its most distinguished champions were men bred as lawyers in the south of France, who had, by mutual flattery, and the habit of living much together, acquired no small portion of that self-conceit and overweening opinion of each other's talents, which may be frequently found among small provincial associations for political or literary purposes. Many had eloquence, and most of them a high fund of enthusiasm, which a classical education, and their intimate communication with each other, where each idea was caught up, lauded, re-echoed, and enhanced, had exalted into a spirit of republican zeal. They doubtless had personal ambition, but in general it seems not to have been of a low or selfish character. Their aims were often honourable though visionary, and they marched with great courage towards their proposed goal, with the vain purpose of erecting a pure republic in a state so disturbed as that of France, and by hands so polluted as those of their Jacobin associates. It will be recorded, however, to the disgrace of their pretensions to stern republican virtue, that the Girondists were willing to employ, for the accomplishment of their purpose, those base and guilty tools which afterwards effected their

own destruction. They were for using the revolutionary means of insurrection and violence, until the republic should be established, and no longer; or, in the words of the satirist,

> " 'For letting Rapine loose, and Murther,
> To rage just so far, but no further;
> And setting all the land on fire,
> To burn to a scantling, but no higher." '—Vol. i. pp. 264—6.

He afterwards terms them, in a spirit of more bitter contempt, 'the association of philosophical rhapsodists, who hoped to oppose pikes with syllogisms, and to govern a powerful country by the discipline of an academy.'—p. 269.

He derides 'the affected and pedantic fanaticism of republican zeal of the Girondists, who were amusing themselves with schemes, to which the country of France, the age and the state of manners were absolutely opposed.'—p. 313.

And elsewhere, he calls them, 'the Brissotin, or Girondist faction' (he seldom, if ever, terms the supporters of despotism a faction), 'who, though averse to the existence of a monarchy, and desiring a republic instead, had still somewhat more of principle and morals than the mere Revolutionists and Jacobins, who were altogether destitute of both.'—p. 307.

The utmost which he can find to say in behalf of the purest and most disinterested body of men, considered as a party, who ever figured in history, among whose leaders not so much as one man of even *doubtful* integrity and honour can be found, is, that they had "somewhat more" of principle and morals, than persons who were "altogether destitute of both!'

His commendations of one of their number are less sparingly bestowed.

'In raking up the disgusting history of mean and bloody-minded demagogues, it is impossible not to dwell on the contrast afforded by the generous and self-devoted character of Barbaroux, who young, handsome, generous, noble-minded, and disinterested, sacrificed his family-happiness, his fortune, and finally his life, to an enthusiastic, though mistaken, zeal for the liberty of his country.'—p. 342.

Unquestionably nothing can be better deserved than this panegyric; but why is a particular individual singled out to be the subject of it, when he, although excellent, was only one among many, alike in all the noble qualities which adorned this favourite of our author, and for the misery of France, alike also in their unhappy fate? Justice required that the same measure should be dealt out to them as to Barbaroux, even if it were true that their zeal for the liberty of their country was a "mistaken" zeal, and that they were for using

the "revolutionary means of insurrection and violence" to establish a republic. But their zeal was not a mistaken zeal, and they were not for establishing a republic by insurrection and violence; most of them did not contemplate a republic at all, and designed at most nothing further than to depose the king, and elevate the young prince royal, under the direction of a council of regency, to the constitutional throne.

These may be startling assertions to some, who have formed their opinions solely from the indefatigable perseverance with which sir Walter Scott, almost in every page, assures us of the contrary: but however paradoxical here, on the other side of the channel they are established truths, which few persons indeed of any party think of disputing, and of which nothing but the profound ignorance of our countrymen on the Revolution, could render it necessary to offer any proof: especially as this is not in any degree a question of opinion and reasoning, but one of mere fact and evidence, which every person, who has read the authorities carefully, is competent to decide.

We have already mentioned, that the first germ of a republican party appeared in France, when the king, after a long course of dissimulation and insincerity, fled from the capital, and was brought back by force. Notwithstanding the decisive evidence which he had thus afforded of his undiminished hostility to the constitution, the predominant party in the Constituent Assembly thought fit to restore him to the throne. We are far from contending that they ought to have acted otherwise, although sir Walter Scott is of that opinion, and maintains that they were alike wrong in again offering, and Louis in accepting, the constitutional crown. What is now his opinion, was that of many of the more ardent revolutionists at the time; and, among the rest, of a few who subsequently became aggregated to the Gironde party; for the great majority, including those from whom that party derives its distinctive name, were not in Paris until they came thither as members of the second National Assembly. In July 1791, before the resolution had been definitively taken to reinstate the king, a meeting was held in the Champ de Mars to subscribe a petition calling for his dethronement. In this document no change in the monarchical constitution of France, as decreed by the Constituent Assembly, was hinted at: but the acknowledged fact, that the petition was drawn up by Brissot, whose speculative opinions were certainly republican, together with an expression of Brissot and Pétion, about the same time, which is recorded by Madame Roland, "qu'il fallait préparer les esprits à la république," and the fact,

that a newspaper under the title of "The Republican" was set on foot at this period by Brissot and Condorcet (although it only reached the second number), seem to render it probable, that if they had succeeded in obtaining the deposition of Louis, they would really have made an effort for the establishment of a republican government in preference to a change of monarch. * When the Assembly, however, under the guidance of Barnave and Chapelier, esteemed up to that time the most democratic of the popular leaders, re-established royalty in the person of the former sovereign, the idea of a republic was dropped, and the two or three men who had entertained it became amalgamated with the general body of the Girondist party, who, as we have previously stated, were not republicans.

The difference between the Constitutionalists and the Gironde, at the opening of the second, or Legislative Assembly, is thus expressed by Mignet: "Il" (the Gironde party) "n'avait alors aucun projet subversif; mais il était disposé à défendre la révolution de toutes les manières, à la différence des constitutionnels, qui ne voulaient la défendre qu' avec la loi." This assertion of Mignet (whom however we do not cite as an authority, since he was not, any more than ourselves, a contemporary and actor in the scene) is borne out by the direct testimony of every credible witness who had any tolerable means of knowing the fact. It is demonstrated as cogently by the recorded acts and speeches of the men themselves.

Sir Walter Scott, as we have already observed, has allowed, has asserted indeed, with more confidence than we should venture to do, that the reasons for deposing Louis preponderated, at the time of his return from Varennes, over those for retaining him on the throne. These reasons, which our author considered sufficient, could be no others, than the certainty of the king's insincerity, and the necessity of having a first magistrate sincerely attached to the constitution. Let us reflect how vastly more imminent that necessity had become, in the interval which separated the meeting of the second National Assembly from the memorable 10th of August 1792.

During this period, a new and most formidable element of danger had been introduced into the already perilous and embarrassing state of public affairs. A foreign despot had not only countenanced the emigrants in their warlike preparations, and

* We are also assured by Ferrières, ii. 347, that Brissot at this time proposed a republican government in the Jacobin club; and a proclamation to the same effect by his friend Achille Duchâtelet, which was placarded in the streets of Paris, is given verbatim by the same author, p. 389.

in assuming a hostile attitude on the frontier, but had presumed to require, as a condition of friendship between the two governments, the re-establishment of the monarchy upon the footing of the royal declaration of the 23rd of June, 1789. War had ensued; its commencement had been disastrous, an invasion was at hand, and the disorganization of the army, from the general relaxation of discipline, the emigration of most of the officers, and the want of military experience in the soldiers, had reached to such a height, that nothing but the most unheard-of efforts, such efforts as were at last made by Dumouriez and Carnot, could give the nation a chance of saving herself from the enemies of her freedom. It was not in such times as these that France could be preserved by men who were only half desirous that she should extricate herself from her difficulties. There were needed other "organizers of victory" than a chief magistrate who sympathized with the invaders of his country more than with his country itself. It was not from Louis that exertions could be expected for the prosecution of a war against his own brothers, and the assertors of his absolute authority. Yet not so soon did the Gironde renounce the hope of saving at once their country and the king. Louis, who was as vacillating in his choice of counsellors as in his counsels, had changed from a purely royalist to a mixed administration composed of constitutionalists and royalists. The divisions which speedily arose in this motley ministry (our author is here, as usual, most elaborately wrong) had terminated by the dismissal of the leading constitutional minister, which the Assembly soon caused to be succeeded by the forced retirement of his royalist colleagues. Louis selected his next ministers from the ranks of the Gironde; and so far was this party from entertaining any hostility to the king, that Roland and Clavières, as Madame Roland informs us, were at first completely the dupes of his apparent sincerity. Had he consented to the strong measures which they deemed necessary to secure the constitution against its foreign and internal enemies, they would have continued in office, and Louis probably, had remained constitutional monarch of France. But he refused to sanction the two decrees of the Assembly, for the banishment of the non-juring priests,* and for the formation of a camp of twenty thousand men under the walls of Paris. The discussions consequent on this refusal occasioned the dismissal of the Girondist ministers, and ultimately produced the downfal

* Sir Walter Scott cannot refrain from imputing this decree, though purely political in its object, to philosophic intolerance, and an intention of degrading and subverting the national faith. But it is useless to expose in further detail these endless instances of blind and obstinate prejudice.

of the throne: not however until the leading Girondists had made another effort to save the unfortunate and misguided monarch, which we shall relate in the words of their friend and apologist Bailleul.

"J'ai déjà dit plusieurs fois dans le cours de cet ouvrage, et je viens de répéter tout à l'heure, que le parti républicain se formait insensiblement, et n'existait pas. En effet, l'autorité royale circonvenue, obsédée par les intrigues et les projets de la conspiration, ne laissait plus même échapper de ces lueurs de bonne volonté qui avaient jusque-là soutenu l'espoir des patriotes. Que faire? Que résoudre dans cet état d'anxiété? L'établissement d' une république se présentait à eux comme une dernière ressource, s'il était impossible de sauver autrement la liberté, contre laquelle toutes les forces étaient dirigées.

"Puisque Madame de Staël* veut bien accorder quelque valeur aux députés que l'on a désignés sous le nom de Girondins, a-t-elle pu croire que des hommes de ce talent, tout grand qu' était leur enthousiasme, n'aient pas quelquefois réfléchi sur la position où se trouvait la France, et qu' ils se soient ainsi précipités en aveugles dans les événemens les plus affreux et les plus épouvantables? A-t-elle pu croire même qu' ils n'aient pas prévu les dangers dont cette conflagration les menaçait personnellement? Ce serait une bien grande erreur. Non-seulement ils y avaient pensé, mais ils en étaient occupés, et singulièrement préoccupés: on en jugera par le récit suivant.

"Je ne crois pas me tromper, en disant que les trois hommes les plus distingués du parti appelé de la Gironde, étaient Vergniaud, Guadet, et Gensonné. Vergniaud, l'un des orateurs les plus éloquens qui aient jamais parlé aux hommes, avait une âme encore bien au-dessus de son talent. Guadet, d'un caractère emporté, était un homme de beaucoup d'esprit, plein de franchise, et capable de revenir à toutes les idées saines et raisonnables. La gravité de Gensonné eût pû passer en proverbe: esprit méditatif et profond, chacune de ses paroles, même dans la conversation, était pesée et mûrie avant d'être livrée à l'examen et à la reflexion des autres. On fera peut-être bien à des hommes de cette superiorité, la grâce de croire, sans que j'insiste, qu' ils ne se sont pas trouvés environnés de toutes les circonstances extraordinaires et redoutables, sans y donner quelqu' attention. Voici ce que Vergniaud et Gensonné ont répété nombre de fois devant moi, et tous les prisonniers qui se trouvaient alors à la Conciergerie, du côté nommé des *douze*.

* To understand this allusion, it must be remembered, that Bailleul's work was suggested and occasioned by Madame de Staël's "Considerations."

"Ils avaient cherché à se ménager une entrevue avec Thierry, valet-de-chambre du roi. Cette entrevue eut lieu. Là, Vergniaud, Guadet et Gensonné exposèrent à Thierry les dangers de la patrie et les dangers personnels du roi; ils lui en indiquèrent les causes, et, par suite, ils tracèrent des plans de conduite, au moyen desquels des rapprochemens indispensables, si l'on ne voulait livrer l'état aux plus horribles convulsions, auraient lieu.

"Thierry, accoutumé à n'entendre que les choses les plus dégoûtantes sur le compte de ces hommes; qui, comme tout ce qui composait l' entourage du roi, croyait être généreux à leur égard, en pensant qu'ils ne mangeaient pas des petits enfans, fut on ne peut plus ébahi de tant de franchise, de raison et de prévoyance; je dois dire plus, il en fut touché: il leur exprima à quel point il était enchanté de les avoir entendus; il ne leur dissimula point combien cette ouverture lui donnait de consolations et d'espérances, et il les termina en les priant de mettre par écrit tout ce qu' il venait d'entendre, s' ils l'autorisaient à en faire part au roi. La proposition fut acceptée avec empressement. On se sépara, en convenant du jour où l'on se réunirait. Tous furent exacts au rendez-vous. Un mémoire contenant le fond de ce qui avait été dit à Thierry dans la première conférence, lui fut remis. Il promit de le communiquer aussitôt au roi, et de faire connaître sa réponse; ce qui donna lieu à une troisième réunion, dans laquelle Thierry, fondant en larmes, déclara que l'on ne voulait entendre à aucun rapprochement. Vergniaud lui répondit: Dites bien à votre maître que nous ne nous dissimulons pas nos propres dangers, mais qu' à partir de ce moment il n'est plus en notre pouvoir de le sauver. Voilà ce que j'ai entendu dire, répéter, et répéter encore par Vergniaud et par Gensonné. Guadet n' était pas avec nous à la Conciergerie, il était en fuite. Ce mémoire, confié par eux à Thierry, s'est, autant qu'il m'en souvient, retrouvé dans l'armoire de fer, et l'on en fit un des chefs les plus graves de l'accusation de ses auteurs."

This *Mémoire*, admirable for its good sense and good feeling, may be seen in the Appendix to the second volume of the Memoirs of Dumouriez, as recently reprinted at Paris. It is with difficulty that we refrain from increasing the length of an already long article, by transcribing this document into our pages. We beseech the reader to refer to it, to read it diligently, and then endure, if he can, to hear these men represented as conspirators, who plotted the destruction of royalty, who watched the king's acts with a desire to find them such as afforded a hold for misrepresentation, and were never so well pleased as when he rendered himself u[illegible] [illegible]xts for

holding up his office as a nuisance, and himself as an enemy of the people. We cannot deny ourselves the pleasure of employing, for the expression of our own feelings, the affecting words of M. Bailleul.

"O vous qui serez grands dans la posterité, vous dont je reçus, avec vos derniers adieux, les protestations d'un amour si sincère, si ardent pour votre patrie, l' expression si pure de vos vœux pour le bonheur de vos concitoyens; vous qui versiez des larmes si amères sur les malheurs de ces temps, et qui en retraciez les causes avec tant de justesse et d'énergie, auriez-vous jamais cru qu' on eût pu vous accuser d'avoir bouleversé la France pour le plaisir d'essayer un systême de gouvernement absolument nouveau pour elle, et qu' une femme aimant la liberté, par conséquent la vérité, écrirait, sous les yeux des témoins de votre courage, de votre sublime dévouement et de vos derniers momens, ces paroles: "Les Girondins voulurent la république, et ne parvinrent qu' à renverser la monarchie?" Ils ne voulaient que la liberté; une monarchie constitutionnelle franchement établie eût fait leur bonheur. M. de Lally, cité par Madame de Staël, en proclamant que *leur existence et leur mort furent également funestes à la patrie,* a commis dans la première partie de son assertion une effroyable injustice; il a prouvé qu'il ne soupçonnait même pas les causes véritables des événemens qui se sont succédés avec tant de rapidité à cette époque."—Vol. ii. pp. 42 to 47.

Greatly as we have already exceeded the usual limits of an article, we cannot permit ourselves to leave the stain which is attempted to be cast upon men in so many respects admirable, imperfectly washed away. We should feel as if we had violated a duty, if we did not exhibit by ample evidence how unanimously men of all parties have concurred in exculpating the Girondists from the imputations now sought to be fixed upon them by sir Walter Scott. We shall offer no apology to the reader for heaping up a multitude of attestations; we do not *solicit* his attention to this mass of evidence, we *demand* it. We demand it in the name and in behalf of the whole human race, whom it deeply imports that justice should be done, at least by another age, to the few statesmen who have cared for their happiness. Does the man exist who, having read the accusation brought against such men, will consider it too much trouble to listen to the defence? Let such amuse themselves with romance; it belongs to other men to read history.

Our first quotation shall be drawn from the "*Histoire de la Révolution de France, par Deux Amis de la Liberté,*" one of the most impartial works which have appeared on the subject of

the Revolution, and written, as our quotation will shew, in a spirit very far indeed from being favourable to the Gironde:—

"La vérité est, que ni les uns ni les autres" (the Gironde nor the Montagne) "ne pensoient à cet epoque à fonder une république en France. Le parti de la Gironde ou de Brissot, fier d'appartenir à une ville qui s'était, plus qu'aucun autre, fait remarquer par un ardent amour pour la liberté, comptant d'ailleurs sur le talent de la plupart des individus qui le composoient, voulait s'illustrer par quelque coup d'éclat, soit en se rendant maître des volontés d'un monarque au moins avili, soit en le faisant descendre d'un trône où il ne pouvoit plus être qu'un objet de dérision, afin d'y placer son fils dont ils auroient dirigé l'enfance, exercé les pouvoirs et distribué les faveurs. S'il n'est pas démontré par des preuves écrites, que ce fussent-là les intentions ultérieures de Brissot et des députés de la Gironde, ou de ceux qui suivoient la même bannière, le projet n'en est pas moins incontestable, pour tous les hommes qui ont un peu observé la conduite des intrigans qui s'agitoient alors, et je dirai à ceux qui peuvent en douter, rappelez-vous les discours des chefs, quelques jours avant que le canon écrasât le château des Tuileries, vous les verrez éperdus, essayant de soutenir, pour quelque tems encore, le colosse ruiné qu'ils avoient eux-mêmes sappé par ses bases; vous les verrez effrayés de l'audace de ceux dont jusqu'alors ils avoient su diriger les mouvemens, qu'ils avoient regardés comme des machines dont ils avoient cru pouvoir disposer à volonté; vous les verrez prévoir les désordres sanglans auxquels cette troupe avide de trésors, avide de pouvoirs dont elle était incapable de jouir, devoit nécessairement s'abandonner: mais il n'était plus tems, l'abîme qu'ils avoient eux-mêmes ouvert était sous leurs pas; il n'y avoit plus d'espoir rétrograde, il fallait suivre le torrent, et s'y précipiter.

"*Au surplus, leur conduite publique prouvoit assez qu'ils ne vouloient qu'une simple déchéance. Dans toutes les adresses qu'ils se faisoient faire contre le roi, on ne demandoit que la déchéance, on ne parloit que de la déchéance, en maintenant l'acte constitutionnel, jamais on n'y insinua le mot de république.*

"Mais voici un fait plus positif: lorsque, pour porter le dernier coup de massue à Louis XVI, on fit venir à la barre les prétendues sections de Paris, le maire à leur tête, Pétion, l'intime ami de Brissot, et la plus vigoureuse colonne du parti; Pétion, introduit dans la salle du corps législatif, tout énivré de sa gloire présente, et encore plus de celle qui l'attendoit, dit hautement, et avec une naïveté qui n'était qu' à lui, aux députés qui faisaient grouppe à l'entrée de la salle: *Ma foi, Messieurs, je vois que la régence me tombe sur la tête, je ne sais pas comment*

*m'en défendre.* Et ce propos, ou tel autre semblable, il l'a répété plusieurs fois; des personnes qui l'ont entendu, et qui vivent encore, peuvent dire si on en impose."—Vol. vii. pp. 12-15.

Compare this account of the conduct and designs of the Gironde with that of sir Walter Scott. Need we say more?

Our next citation shall be from Toulongeon, also a constitutional monarchist, equal to the author last quoted in impartiality, and far superior to him in philosophy. We shall not quote from this writer any of the passages in which he denies the existence of a republican party at the commencement of the Revolution. In his account of the events which followed the king's flight, he says, "La république n' était alors même, ni dans l'opinion de ceux qui réflechissaient, ni dans le sentiment de ceux qu'il détermine toujours seul" [vol. ii. p. 49.]. Of the Gironde at the opening of the second national assembly, he remarks, "Ce parti ne voulait pas la république; mais la marche de ce parti rendit la république nécessaire." [p. 91.] Even in June, 1792, "Vergniaud, Isnard, étaient des chefs du parti de la Gironde: ils voulaient mettre l'autorité royale dans leur dépendance; mais ils ne voulaient pas la détruire en l'avilissant" [p. 171.]. Again, "Vergniaud, Guadet, tout ce qu'on appelait la Gironde, parceque les députés de ce département s'y faisaient le plus remarquer, voulut d'abord gouverner la royauté, plus encore par son influence et par son crédit, que par l'autorité, qu'ils aimaient mieux distribuer qu'exercer; et lorsque la royauté fut abolie, ils voulurent fonder la république par les moyens licites et avec les formes légales" [iii. 9.]. And, finally, of Vergniaud, on the very day of the subversion of the throne, "Au dix Août, il voulait encore une monarchie systematique peut-être, mais tempérée. Dès que le mot république fut proclamé, il fut républicain." [iv. 11.] These are sir Walter Scott's fanatical enthusiasts, who plotted the destruction of royalty for years before, and made no scruple of employing insurrection and bloodshed to realize their visionary projects of a pure republic.

"Quoique la faction des Girondins," says Soulavie [*Mémoires Historiques et Politiques du Règne de Louis XVI.* vol. vi. p. 449.] fût un composé de toute sorte d'opinions, sa majorité a voulu une régence pendant la minorité du fils de Louis XVI, pour gouverner et pour perdre la reine, dont les projets connus de contre-révolution mettaient en péril, non-seulement l'existence politique mais la vie même des Girondins." If we were disposed to place much dependence upon anecdotes, which are only related by this author, we could transcribe several which he adduces to show that not only down to the subversion of the

throne, but almost to the very day when the convention met and the republic was proclaimed, neither the Gironde nor the Montagne had finally decided upon establishing it: we could quote the story which he tells of the almost ludicrous consternation of Condorcet and Sieyes, when this event was reported to them [p. 455], and the declaration of the minister Montmorin to Soulavie himself, that a republic was then the least bad of all governments which were likely to be established, but that what the Gironde desired was a regency, which would be infinitely worse. As we have less confidence, however, in the testimony of Soulavie, than in that of either of the writers whom we have before quoted, we allude to his evidence only in confirmation of theirs, and shall proceed to show that the royalists themselves, even those among them who have spoken of the Gironde with the most bitter hatred, have by no means accused them of being republicans, but of wishing for a king who should distribute honours and places among themselves, or, at most, of being indifferent to every form of government, provided they themselves were at the head of it. We have no apprehension that these last imputations should be believed, for sir Walter Scott himself does ample justice to the character of the Girondists, as far as regards personal views; but, that the only accusation brought against them by their bitterest enemies should be that of selfish ambition, proves at least the extreme absurdity of the charge of fanatical republicanism, and the following passages further add the direct testimony of the most decided, and the most trustworthy of the royalist writers, to the fact that most of these statesmen were not republicans.

We shall begin with Ferrières, generally the most candid and impartial of the royalists, but whose moderation entirely deserts him when he touches upon the Girondists. This writer particularly distinguishes the Girondist party from the republicans. Among the latter, he ranks Buzot and Pétion; but of the Girondists, especially the deputies of the Gironde itself, Vergniaud, Guadet, Gensonné, Ducos, and Fonfrède, he says, "Les Girondins étaient assez indifférens à la forme du gouvernement pourvu qu'ils gouvernassent et qu'ils pussent disposer de l'argent et des places; mais sentant que les constitutionnels ne lâcheraient pas leur proie, ils se rallièrent aux républicains, attendant à prendre un parti décidé d'après les événemens, et à se vendre à la cour ou à se donner à la république, selon que l'exigeraient leurs intérêts et les circonstances" [vol. iii. pp. 16–7.]. Assuredly, if these persons had shown the slightest symptom of fanatical attachment to a

republican government, and hatred of royalty, such things could not have been said of them. Again, long after the insurrection, or rather tumult, of the 20th June 1792, we are told by Ferrières, "les Girondins ne voulaient qu' effrayer la cour. La déchéance n'entrait pas alors dans leurs vues," [iii. 165]: that Pétion opposed the insurrection of the 10th of August, because it was the wish of the Gironde that the deposition of Louis should be decreed by the Assembly, and executed without tumult or violence [p. 175]; that the Gironde had no concern in that insurrection [p. 178]; that they were astonished at it [p. 180]; that even at the opening of the convention, "la république n'était point définitivement arrêtée dans l'opinion des Girondins" [p. 242]; and was carried independently of them, by what he terms the republican party.

Our next authority shall be Bertrand de Moleville, a royalist far more inveterately prejudiced than Ferrières; a man who avowedly disapproves of the introduction of any form of representative government into France, and cannot quite reconcile himself to its existence in England; and this man, it is important to observe, was a minister of Louis within a few months preceding his deposition. This author always speaks of the Girondists in the bitterest terms, and even accuses them of what we believe was never imputed to them by any other writer (it was scarcely insinuated even in the *acte d'accusation* against them, by the horrible Amar), we mean personal corruption. After speaking of the letter (formerly alluded to) which was addressed to the king by the *trois scélérats* (it is thus that he designates Vergniaud, Guadet, and Gensonné*)—of which letter he seems to confess that he knew the contents only at second-hand (he certainly gives a most incorrect account of them), he next describes a plan of insurrection, which he affirms to have been devised by the Gironde in consequence of the ill success of their attempt to conciliate the king; and hereupon he observes,

"Les chefs du parti de la Gironde, qui avaient conçu et dirigé ce plan, n'avaient point alors le projet de détruire le gouvernement monarchique; ils voulaient seulement que la déchéance du roi fût prononcée, pour faire passer la couronne à son fils, et établir un conseil de régence qu'ils auraient composé de leurs créatures, s'ils n'avaient pu s'y placer eux-mêmes, et sur lequel ils auraient eu, dans tous les cas, assez d'influence pour être assurés d'en obtenir tout l'argent et tous les emplois qu'ils auraient démandés; mais, comme il était bien plus aisé d'exciter

* Vol. ii. p. 111.

une insurrection violente, que de la modérer à volonté, et d'en obtenir precisément tels ou tels résultats, ils n'auraient pas hésité à abandonner ce plan, si le roi avait voulu consentir à rappeler au ministère trois scélérats" (by this polite expression we are here to understand Roland, Servan and Clavières) "qui leur étaient trop servilement dévoués, pour oser leur rien refuser."—Vol. ii. 122.

The abbé Georgel, a jesuit, than whom the abbé Barruel himself scarcely regards the Revolution with a more frantic abhorrence, takes precisely the same view of the conduct and designs of the Gironde [*Mémoires*, iii. 361-2, *et passim*]. We shall not prolong our article by quoting, in the *ipsissima verba* of this author, any portion of his dull abuse. The substance of it is all contained in the passages which we have already quoted from Bertrand and Ferrières.

It will be thought, probably, that we have rather been too profuse than too sparing of evidence to prove sir Walter Scott ignorant of his subject, and the story of the reckless enthusiasm and republican zeal of the Girondists a romance. It will amuse the reader to compare the above quotations with the passages which we previously transcribed from sir Walter Scott. They contradict him point-blank in every particular, whether of praise or of blame. In support of his view of the Gironde we can find only one authority, that of Madame de Staël; the most questionable of all witnesses, when she deposes to any facts but those within her own immediate observation. We have not nearly exhausted the evidence on the other side. We have cited as yet none of the witnesses who may be supposed partial to the Gironde, except Bailleul, from whom, moreover, we have drawn but a small part of the testimony which his highly instructive pages afford. We shall only further direct the attention of the reader to Lavallée, a writer of no very decided political opinions, but friendly to the Gironde, being personally acquainted with their principal leaders, and having been an *employé* of Roland, when minister of the interior. From him we have an interesting statement of what passed at a secret meeting of the leading Girondists and one or two other persons. They were all agreed that France was in a state nearly approximating to anarchy; that it would remain so, until there was a change of government; and that, with a view to this change, it was above all to be desired, that the king should voluntarily abdicate; but they were by no means agreed, supposing that a change could be brought about, what the change should be. Brissot declared strongly for a republic; Gensonné desired time for consideration; Condorcet and Guadet were no[illegible]ed to

a proposition which was made, of elevating the prince of Conti to the Regency; and, when the meeting broke up, nothing had been resolved upon.* If any decision was subsequently come to, the appointment of the Girondist ministry, which took place subsequently, must naturally have altered it; and what is known of their subsequent plans has been already stated.

We shall here take our leave, both of the Girondists and of sir Walter Scott. We have left much unsaid, which cannot so properly be said on any other occasion; many misrepresentations unanswered, which it would have been of importance to expose. We would willingly have entered into considerable details respecting the royalist party, whose faults our author has extenuated as much as he has exaggerated those of the revolutionists; respecting the *Montagnards*, some of whom individually he has treated with great injustice, and of whose character and principles of action, as a body, he has no more than the most superficial conception; respecting the *libéraux* of the present day, whom he has treated, in the latter part of his work, with greater asperity and unfairness than is shewn towards the revolutionists themselves.† We could have wished to take notice of his sophisms on the Napoleon Code, and on every subject, without exception, connected with English institutions and English politics; sophisms which are adapted to the state of all these different questions twenty years ago, and which prove that from that time he has kept his eyes closed to all that has been pass-

* *Histoire des Factions de la Révolution Française*, vol. i. 199-213.

† Every one who knows what the *libéraux* of the present century are, is aware that they comprise every shade of political opinion from Mounier to Carnot. Our author, however, industriously identifies all of them with the extinct, and now universally detested, sect of Jacobins. As an example of his mode of dealing with individuals, we may instance his treatment of Comte, known to all Europe as the intrepid writer who, at great personal risk, vindicated the principles of constitutional freedom in the *Censeur Européen*, at a time when there were few to aid him in the glorious conflict; and who has suffered five years exile, and the mean-spirited persecution of the Holy Alliance, in consequence of his manly and stedfast adherence to liberal opinions. This individual, of whom sir Walter Scott is so consummately ignorant as to have discovered the correct orthography of his name only time enough to insert it in the Errata, he does not scruple to accuse of having been "a promoter of Bonaparte's return." Will it be believed, that when Napoleon was in full march towards Paris, M. Comte published a pamphlet, which went through three editions in as many days, denouncing the imperial government as tyrannical, and calling upon the French people to resist the usurper! This work (of which we possess a copy) was translated and widely circulated in Germany, as a proof that the enlightened portion of the French people were hostile to Bonaparte. Let the reader give credit after this to our author's imputations against men of whom he knows nothing.

ing around him, and can neither accommodate his mode of defence to the present modes of attack, nor to the existing state of the public mind. But we must forbear all this; and in conclusion, we shall only say, that with all the faults which we have pointed out and all those which we have not pointed out in this book, the lover of truth has reason to rejoice at its appearance. Much as sir Walter Scott has wronged the honest part of the revolutionists, the general opinion has hitherto wronged them far more; and to have much chance of correcting that opinion, it was perhaps necessary to temporize with it, and at first give into some portion of the prevailing error. The work contains juster views, and above all, breathes a less malignant spirit, than almost any other Tory publication on the Revolution, and will so far work a beneficial effect upon many minds, which would turn from a perfectly true history of the Revolution without examination or inquiry. We have, therefore, pointed out the errors of this work, not with any wish to see its influence diminished, far less with any hostility towards the author, for whom, politics apart, we share that admiration which is felt by every person possessing a knowledge of the English language. We have been influenced solely by the conviction, that if some readers can as yet endure no more than a part of the truth, there are many who are fully prepared to listen to the whole; and that our remarks have a greater chance of being extensively read and attended to, by being connected, however indirectly, with so celebrated a name.

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Art. II.—*A Catechism of the Corn Laws; with a list of Fallacies and the Answers.* Fourth Edition. Ridgway. 1828.

IT having pleased the proprietors of the soil to reject Mr. Canning's Corn bill in the last session of parliament, a substitute for that measure has been submitted by the duke of Wellington to the representatives of the landed interest.

The object of the agricultural majority in devising these measures is two-fold: to secure their actual monopoly, and to allay discontent by an apparent alteration of the Corn Laws; to retain the substance of prohibition by merely changing its name.

How completely Mr. Canning's bill was adapted to effect this object, we endeavoured to shew at the time; * and we can only

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* Westminster Review, No. XIII.

express our astonishment at the blindness of those landed gentlemen who, together with the factious intriguers then struggling for the places which have since become the reward of their successful ingenuity, rejected that cunning device for securing prohibition prices by calling the securities a scale of *importation-duties*. That measure was described by its author as giving "the balance of price to agriculture, and of principle to trade." We are not concerned about the meaning of that dubious phrase; we are content to know that it gave the reality of prohibition to the landlords and the shadow of free trade to the people: we are content to know that the bill would never have enabled us to become regular importers of foreign grain, and that nothing but a law which shall permit us to import with regularity will produce an effective change of the present system.

This was the people's objection to Mr. Canning's bill. It affected to regulate the price of British corn by allowing foreign importation on payment of import duties. It has been shewn that the duties were so high, and the scale so awkwardly constructed, that no regular importation could take place under the provisions of that bill. That bill, however, has been chosen as the model of the present measure; and hence, in reviewing this measure, we have only to inquire how far the vices of the former are aggravated or amended by the latter plan.

Mr. Canning's plan consisted of a scale of duties calculated on a duty of 20*s.* the Winchester quarter of wheat, when the home price was 60*s.* Taking 60*s.* as the mean term, or *pivot*, of the scale, and 20*s.* as the mean duty, Mr. Canning proposed to diminish that duty by 2*s.* for every shilling of increase of the average price *above* 60*s.*; and to increase the duty by 2*s.* for every shilling which the average price should fall *below* 60*s.*

In the present measure it is proposed that the duty on the Winchester quarter shall be 24*s.* when the price is 60*s.* For every shilling of *increase* in price, there is a decrease of *one* shilling in the duty till the price reaches 64*s.* the quarter. As the price rises from 64*s.* to 65*s.* and 66*s.*, there is a successive decrease of *two* shillings in the duty; as it proceeds to 67*s.* and 68*s.* there is a successive decrease of *three* shillings; from 68*s.* to 71*s.* there is a successive decrease of *four* shillings; at 71*s.* and upwards the duty is fixed at one shilling the quarter. On the other hand, for every shilling of *decrease* in price below 60*s.*, the duty successively increases by *one* shilling, leaving at 50*s.* the quarter, a duty of 34*s.*

The following table exhibits the several scales proposed by the duke of Wellington and Mr. Canning, calculated in Winchester measure.

| When the Price is | Duke of Wellington's duty. | Mr. Canning's. |
|---|---|---|
| 50*s*. and under 51*s*. | 34*s*. | 40*s*. |
| 51 - - - 52 | 33 | 38 |
| 52 - - - 53 | 32 | 36 |
| 53 - - - 54 | 31 | 34 |
| 54 - - - 55 | 30 | 32 |
| 55 - - - 56 | 29 | 30 |
| 56 - - - 57 | 28 | 28 |
| 57 - - - 58 | 27 | 26 |
| 58 - - - 59 | 26 | 24 |
| 59 - - - 60 | 25 | 22 |
| 60 - - - 61 | 24 | 20 |
| 61 - - - 62 | 23 | 18 |
| 62 - - - 63 | 22 | 16 |
| 63 - - - 64 | 21 | 14 |
| 64 - - - 65 | 20 | 12 |
| 65 - - - 66 | 18 | 10 |
| 66 - - - 67 | 16 | 8 |
| 67 - - - 68 | 13 | 6 |
| 68 - - - 69 | 10 | 4 |
| 69 - - - 70 | 6 | 2 |
| 70 - - - 71 | 2 | 1 |

Here is a considerable change in the figures, with very little real alteration. Holding as we do, that no permanent importation can take place with a duty much above 12*s*.; we objected to Mr. Canning's plan, that it virtually fixed the importing price at 64*s*. the quarter. On the same principle, the duke of Wellington's importing price will be 67*s*. the quarter; but as both these prices are considerably above the average price of British wheat, it matters very little whether the minister select 64*s*. or 67*s*. So far as this part of the scale is concerned (and this is the material part for the consideration of the people), we can scarcely pronounce that any real difference exists between Mr. Canning's and the present plan. It shews, beyond doubt, a stronger determination to exclude the produce of foreign countries; and the people are not the less obliged to the aristocracy for their intention to increase the rigour of the Corn bill, although, perhaps, it was beyond their power to render that intention effective.

It is needless to observe, that the diminution of the *lower* part of the scale, from 56*s*. to 50*s*., at which the duties proposed are progressively lower than those in Mr. Canning's bill, has the appearance of a boon to the consumers without any of the reality. It is altogether absurd to suppose, that foreign

wheat can be imported at all, under any duty mentioned in either measure, at that part of the scale.

This plan, therefore, will secure us all the advantages of Mr. Canning's bill, besides affording an additional pledge of the tenderness of the landlords towards the people. We shall not, for our sins, be visited by foreign importations—we shall not depend on foreign supplies for the necessaries of life—our manufacturers will still enjoy the advantage of the *best* market; namely, the market where the farmers are the sole buyers, and give a quarter of corn for the same article for which the foreigner would give two—very high prices alternating with an agreeable series of very low ones—all these and other blessings will still be forced on our reluctant enjoyment: in short, we shall retain every thing, but the name, of the Corn bill of 1822.

And "This," says lord King, speaking of the new measure, "this is *too* bad." Perhaps, when he shall have witnessed the consequences of the new bill, he will regard its authors with the gratitude which their merits really deserve.

In consequence of the reiterated and confident assertions of certain members of the landed party, respecting the cheapness of foreign grain—one asserting that he has known wheat imported in *enormous* quantities at 24*s*. the quarter—another at 22*s*. and a third at 20*s*., we have taken the trouble to repeat our inquiries on that subject; and after the most careful examination, we see no reason whatever to recede from our former opinion, that the average cost of foreign wheat would not be less, under a steady system of importation, than about 50*s*. the quarter. In addition to the sources from which we derived our original opinion on this subject, we are now in possession of the two Reports of Mr. Jacob, and the mass of parliamentary papers intituled "Returns from the British Consuls abroad," containing accounts relating to the growth and average prices of corn, the regulations relative to its export and import, and the monthly prices of wheat, rye, barley, and oats—in the foreign states in which the consuls respectively reside. From a careful review of these several sources of information, we repeat that our former inference has been strengthened as to the probable price at which foreign grain could be imported under a permanent system. The conclusions which many agricultural members have drawn from the same sources—so entirely at variance with our own—would admit of an easy and satisfactory explanation, had we either time or space

for the inquiry.* Indeed, one specimen is as good as a thousand; and as the specimen we shall select has been published under the high sanction of the House of Lords, we shall not be accused of resorting to obscure examples, or picking out a convenient mis-statement. The paper to which we allude [No. 52 of the last Session] was published for the purpose of exhibiting the low scale of prices in the exporting countries. It proposed to contain a summary view of the average prices of foreign wheat in 1826, "*deduced from the consular Returns;*" and computed according to the imperial measure. We find from this document, that wheat was sold at Copenhagen, in 1826, at 24*s.* 9*d.* the quarter; at Liebau, at 30*s.*, and at Memel, at 30*s.* 5*d.* These facts are undoubtedly verified by the return of prices contained in the consuls' accounts. But, turning to another part of those accounts, it is as undoubtedly true, that the consul who returns 24*s.* 9*d.* as the price of wheat at Copenhagen, informs us, that the average excess of wheat for exportation from the whole of Denmark, is only thirty thousand quarters per annum, and that, in addition to permanent restrictions, "his Danish majesty has, for the present, forbidden any of the government corn to be exported." From Liebau we are informed, that the largest shipment of wheat, even in the year 1820, was no more than one thousand eight hundred and twenty-two quarters; and the consul observes, that the mere expectation of a change in the British Corn Laws, had produced a considerable rise in the price of corn. At Memel, the consul states, that the exportation seldom exceeds from five to ten thousand quarters in one year, and that the stock in hand on the then March 31st, was no more than five thousand five hundred quarters of wheat. It is useless to make any observations on the extravagant inference which is suggested by the scale of prices published in this document. If wheat could be constantly imported at the prices which it commands abroad at any given period of time and under the present system, it would not be difficult to instance places and times at which the quotations in this scale might have been reduced to less than one half—to 10*s.* or 15*s.* the quarter, instead of 20*s.* or 30*s.* But reasonable and candid men are well aware that in estimating the probable

* Although we deem it superfluous to renew the discussion respecting the probable quantity of grain which might be supplied by foreign countries, and its effect on the home market, we strongly recommend to our readers that part of Mr. Jacob's Second Report, which relates to this subject. We shall probably advert to this valuable document on a future occasion.

price of importation, other circumstances present themselves to consideration besides the market price of the day. Such, amongst numerous other causes which would influence the price of foreign grain under a system of constant exportation, are the disposable excess of the commodity, the permanent rate of freights, and the means of extending the cultivation of arable land in the exporting countries. All these, and similar considerations, are overlooked by persons who speculate after the fashion of the framers of this delusive table: although it is not to be forgotten, that the average price of foreign wheat *according to this very paper*, is no less than 45*s.* the imperial quarter; so that, if it teach us anything, it teaches that 50*s.* the Winchester quarter, more or less, is, after all, the probable estimate of the permanent price of importation.

A more serious objection to the estimate of 50*s.* the quarter, as the permanent importing price—considering that estimate with a view to the amount of duty on foreign grain, in any future Corn Bill—has been recently put forth by Mr. Huskisson, a gentleman who has evinced an over-ingenuity of late in extenuating many changes of opinion, which are at the least very *rapid* changes for so grave and circumspect a minister—*minister* we had written, but, while the sheet is passing through our hands, minister no longer, notwithstanding his versatile and accommodating spirit. It is well known, that for the last three years it has been deemed necessary to resort to temporary infractions of the Corn Laws, by admitting yearly, large quantities of foreign wheat, for the purpose of preventing a sudden rise in the price of bread.* On the rejection of Mr. Canning's Corn Bill last year, a temporary act was passed, by which all foreign corn then in bond, or which should be bonded before the 1st of July, 1827, was admitted for consumption until the 1st of May in the present year, subject to the scale of duties contained in the rejected bill. It seems by a recent return, [*Commons Paper*, No. 285 of the present session] that 514,540 quarters of foreign wheat† have been admitted for consumption under this act, chiefly in the months of July, August, and September last; the whole quantity admitted since that period, to the 27th March last, not exceeding 1,334 quarters. The wheat was admitted on payment of the following duties; viz:—

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* In 1825 ..... 496,345 quarters of wheat.
1826 ..... 297,233 ditto
1827 ..... 561,011 ditto

† Exclusive of 46,853 quarters, from the British possessions out of Europe.

| Quarters. | | | Per Quarter. |
|---|---|---|---|
| 375,112 | - | at - - | 22*s.* 8*d.* |
| 132,145 | - | at - - | 24*s.* 8*d.* |
| 7,283 | - | at various higher rates, the highest being - | 42*s.* 8*d.* |
| 514,540 | | | |

When the two larger parcels were admitted at the respective duties of 22*s.* 8*d.* and 24*s.* 8*d.*, the average price of British wheat was quoted at 60*s.* the quarter, leaving to the importer no more than 36*s.* or 38*s.*: "*wherefore,*" says Mr. Huskisson, "a duty of twenty shillings, on a home price of sixty shillings the quarter, is not a sufficient protection for the landed interest"—and that was the duty in Mr. Canning's scale of last year. If this inference be admitted, it follows, that foreign wheat may be imported at a price far below 50*s.* the quarter—the price we propose to adopt as the probable medium cost of foreign wheat, under a system of constant intercourse. After a long experience of Mr. Huskisson's tactics in debating this question, we should scarcely have adopted his statements with implicit confidence, or have been much alarmed at his inferences, however uninformed we might have been with respect to the facts of the case. It is undoubtedly convenient for Mr. Huskisson, who last year proposed a duty of 20*s.* the quarter on a home price of 60*s.*, to back his new proposition, for imposing a duty of 24*s.* on the same price, by asserting that the twenty-shilling duty had been tried and had failed. It was less convenient to point out the causes which led to the introduction of bonded wheat at 40*s.* the quarter, and which made that circumstance an exception to the general proposition, that the average cost of foreign wheat will not be less than 50*s.* It has never been asserted that occasions will not happen upon which such wheat may be imported for less than 50*s.* the quarter. It has never been asserted that 50*s.* will be the average price under any other than a system of regular importation: and, if a great depression of price may occur during a free trade in grain, how much more easily may it happen when the tendency to fluctuation in the quantity and value of corn is heightened to the utmost by restrictions on trade? What effect will Mr. Huskisson attribute to the act of 1826, by which the king in council was enabled to permit the importation of five hundred thousand quarters of foreign wheat at a duty of *twelve* shillings the quarter? Mr. Huskisson is well aware that the repeated promises of a change in the Corn laws by the late administration, united with the temporary adoption of so low a duty as twelve

shillings, excited very natural expectations of an effective alteration of those laws in the minds of the merchants and foreign growers. The consequence of such expectations was, of course, an unusual increase in the importation of foreign grain. The ultimate disappointment of these hopes, together with the prospect of abundance in last August, affords a sufficient explanation of the conduct subsequently pursued by many of the holders of bonded wheat, when they submitted to the payment of 22*s.* or 24*s.* duty, instead of 12*s.* or 15*s.*, rather than incur the risk of keeping their stocks on hand. It is well known that all these transactions were accompanied with a heavy loss, and Mr. Huskisson himself admits that they occurred during a species of panic. Instead of proving that 60*s.* or less is the remunerating price to the importer of foreign wheat, these occurrences only serve to strengthen the universal conviction respecting the disastrous effects produced by the present Corn laws.

In the debates concerning the new measure there is less to interest and astonish, than such discussions usually afford. The sir Johns and sir Thomases are loud, dull, and foolish as ever.—Ruin of farmers—remunerating prices—corn reasonably cheap at 60*s.* the quarter, &c. &c.—

"Still shall we hear, and never quit the score!"

On the other hand, Messrs. Huskisson and Peel seem wholly to abandon the usual arguments for what is called *protection* to agriculture. The minister formerly insisted that it was necessary to protect the British grower against foreign competitors, because British corn was so dear that it could not be brought into the market if theirs were allowed to enter it. Of late, however, it has been generally understood that no reason exists for applying such a principle to agriculture, which would not equally require its application to all other trades. The doctrine would end in the total prohibition of foreign commerce, to which this country owes so much of her felicity and greatness. It is not, however, the less necessary to protect the British landlords, because the public has discovered the hollowness of the usual arguments in defence of such a policy; it has only become expedient to find out new *reasons* for protecting them. We cannot laud the ingenuity which has been displayed in the choice of these reasons. First it is contended, that as Irela is an agricultural country, and supplies us every year with million quarters of corn, we must submit to purchase the at a higher price than we should be required to pay o

for the purpose of encouraging Irish industry. Could it be shewn that the farming labourers of Ireland, and not their landlords, are bettered by this encouragement, the argument might endure a discussion. This, however, never has been and never can be shewn; and that for the best of all reasons, because the tendency of restrictions on trade is, to diminish the real wages of labour. Such restrictions are a tax upon profits, and compel the employers of capital to abridge the share of its produce, which is awarded to the payment of wages. The question in Ireland is precisely the same as in England. It is purely a question between the landlords and *every body else*: it resolves itself, as Mr. Peel declared, in stating his second reason for protecting agriculture, into the short problem—whether it is expedient or not, at all events "to maintain the aristocracy and magistracy of the country?" We answer it is not expedient. If Mr. Peel is serious in submitting a question like this to the good sense of the people, they will tell him that good magistrates and legislators might be had for a fiftieth part of the money which it costs to support the Corn laws; and that they will not maintain, so far as *their* consent may be concerned (which, in truth, does not weigh a feather in determining the question), a body of the worst magistrates, and the most ignorant and incapable legislators, existing in civilized Europe, at fifty times the cost of a good system of judicature, and a representative constitution. It is, however, highly advantageous to present this question to the public in the shape of Mr. Peel's proposition. It is the best, because the truest, point of view in which the subject can be regarded. It is in truth a question between the aristocracy and the people; and, like many others which have arisen of late, only serves to shew the aristocratical government of the country in greater relief, to expose its operation to the public eye, and demonstrate its essential incompatibility with the general good. Viewing the subject of the Corn laws in this light, we rejoice at nothing more than the interest which it excites amongst the people, and which is manifested not more by the perpetual projects of public men than by the numerous and able exposures which it receives from time to time through the medium of the press. To the former we have already alluded at sufficient length. Amongst the latter we are rejoiced to see Mr. Thompson's pamphlet in a fourth edition—revised and augmented, and, what does not always happen as a consequence of those operations, improved. That the latter fact may not wholly rest upon an asserti[illegible] [illegible]ot such portions of the additional matte[illegible] [illegible] attention; and we cannot do b[illegible] [illegible]ng comment on Mr. Peel's p[illegible]

'*That it is necessary for the maintenance of the constitution, that the aristocracy should be supported in splendor.—A.* The people of England have made up their minds, that in as much as there exists an aristocracy already rich and powerful, it is useful that they should support a king in splendor, that he may keep the aristocracy in order. But it is not so clear that they have made up their minds to support the aristocracy too; or that their sense of the utility of monarchy would be increased by finding it in such a combination. It is charging them for a prop to support their roof, and a weight to lay upon their prop. It is paying for a cat, and mice for it to catch; and representing this as necessary to keeping up the existing happy constitution of the pantry.

'But to enrich an aristocracy by Corn laws, is not only to enrich them at the expense of the community, but at an expense many times greater than would arise from putting the same sums into their hands, by assigning each of them an alimony from the public purse. Hence the minister who should propose paying each of the members of the aristocracy an alimony from the public purse, would make a modest proposal, in comparison with one who should propose to enrich them by means of Corn laws.

'And what is contended for after all, is not the *preservation* of the natural wealth of the aristocracy, but its *enlargement*. Because certain individuals possess from 1000*l.* to 100,000*l.* per annum to begin with, it is stated to be necessary and just, that provision should be made for doubling their incomes at the expense of the industrious part of the community, and in the most burthensome way.

'To say that the removal of restrictions would *reduce* the incomes of the aristocracy, is only saying that it would take away from them what they ought never to have had.'—p. 82.

The following passage is directed against a similar fallacy:—

'That if the growers have not a right to protection, it would follow, that, if foreign corn could be sold in this country at a price that would strip them of every farthing of income, and nearly of every farthing of property, they would have no right to a protecting duty.—*A.* It would follow so, precisely. There might be reasons why any alteration should take place gradually; but none why it should not take place at all.

'The agriculturists appear to have persuaded themselves, that there is some necessity for their being supported in a state of wealth at the expense of others, quite independently of the question whether the produce is wanted by other men or not.

'Suppose, for argument's sake, that corn could be obtained for positively nothing, like water. There would be no more reason why the price of corn should be kept up for the advantage of the landlords, than why the price of water should be kept up for the advantage of men calling themselves water-lords—by prohibiting streams and rivers, and forcing the public to buy the water of wells, from which by dint of digging, water was obtained for half as many people as there otherwise might have been. If such an abuse was in existence, there might be reasons why it should be reduced gradually; but none why a fragment of it should finally be left.

'Almost all the fallacies advanced in the case of corn, might be repeated in such a case of water. The diligence of the water-lords to grub for the last pint, they would call improvement and zeal for the multiplication of water. They would descant on the capital they employed, and the industry they set in motion; and be pathetic on the fate of the well-digging population, if the government should restore the liberty of drink. They would assert that it was clear the country had been supplied; and if any complained that they were dying for want of water, they would tell them they were a superabundant population, and ought not to exist.'—p. 59.

The following extracts from different parts of the book are connected with the same mis-statements.

'That the warmest advocate of free trade will not deny that some protection is due to the agricultural interest.—*A.* If the manufacturers were to assert, that no one would deny that some protection was due to the manufacturing interest, meaning thereby a duty against the agriculturists—they would be laughed at. No cause can be shown why the claim of the agriculturists to have a duty against the manufacturers, is a whit less unreasonable.

'Protection always means, giving people something which is not their own. It means robbing somebody, for the benefit of somebody else. A fair trader wants no protection, but to be protected in the right of selling what others are willing to buy.'—p. 86.

'That the free admission of foreign grain is a bounty to foreigners to extend their agriculture at our expense; and is therefore a premium on foreign rivalship.—*A.* It extends our own manufactures in an equal degree. To refuse it, is like a draper's refusing to sell cloth and buy bread, lest he should raise up a rival in the baker.

'If nations are natural rivals, it is only the more important to preserve our position in the race. America and France, either have not similar prohibitions, or are not arrived at the point where they are felt. The power of increasing our wealth and population by exchanging manufactures for food, is what God has given us to hold our ground with; and this leg we propose to cut off.

'The true statement would be, that a tax on foreign grain is a bounty on foreign manufactures. It is so much cut off from what foreigners would gladly give us in exchange for our manufactures, and added to what they must give, though on worse terms, to manufacturers of their own.'—p. 54.

'That supposing every man to consume a quarter of corn yearly, and the price of corn to be reduced by the freedom of trade twenty shillings a quarter, the benefit could at most be only twenty shillings a year, or three farthings a day.—*A.* He will not only have paid less by twenty shillings a quarter for whatever he may have had, but he will also have had a plentiful supply instead of an insufficient one. He will not only have paid three farthings a day less for his daily loaf, but he will have had a larger loaf. And besides this, he will have had all the increase of comfort, in the way [illegible] ment and other-

wise, which arises from the wealth of the community being in a progressive state instead of a stationary one.

'But suppose the thing were true. Twelve millions of men would save twelve million pounds a year. And why is the community to subscribe twelve millions a year to serve the landlords?'—p. 64.

There are excellent passages on the subject of *reasonable* prices—a topic so much dwelt upon in parliament, and which sounds so prettily in the mouths of the very men who are voting for the highest prices they can get.

'That it has not been proved, that under the Corn laws, wheat in ordinary years has been dearer than it ought to be.—*A.* It has been dearer than it might have been; and therefore dearer than it ought to be. The poor might as well cut down the incomes of the rich and say, "It has not been proved that their incomes have been smaller than they ought to be." What a man's income ought to be, is what he can honestly get. And it makes no difference whether the robbery is effected by cutting down the nominal amount, or by diminishing the quantity, of what he shall substantially receive for it.'

'That no man can complain, as long as the quarter of corn is not above sixty shillings.—*A.* It might as well be said, that no man can complain as long as he is allowed to have a hundred pounds a year.

'The poor have as much right to tell the rich, that a hundred pounds a year is enough for any man, and therefore the mob will take the difference,—as the rich have to tell the poor, that sixty shillings a quarter is cheap enough for any man, and therefore the rich will take the difference.

'It may be a less evil that the price of corn should be raised to sixty shillings than to ninety; in the same manner as it would be a less evil that the mob should limit the income of an esquire to a hundred pounds a year than to fifty. But, the principle of injustice and mob government is the same in both.'

'That the poor ought to have corn *at a reasonably cheap rate;* and that if they have this, they ought to be satisfied.—*A.* The poor ought to have corn at the cheapest for which it can be got; and if they have not, they are to blame if they *are* satisfied.

'If the poor were to tell the rich, that they ought to have a 'reasonable' income, as for instance one or two hundred a year, and if they had this they ought to be satisfied, and they, the poor, would take the difference,—it would be pronounced to be clean *jacobinism* and spoliation. The poor have as much right to do this, as the rich man has to tell the poor that sixty shillings is a 'reasonable' price for his quarter of corn, and therefore the rich will take the difference. Much has been said of the jacobinism of the poor against the rich, but very little of the jacobinism of the rich against the poor;—though one is only matter of speculation and alarm, and the other meets every man three times a day when he sits down to eat.

'Jacobinism, according to Burke's definition, 'is the revolt of the enterprising talents of a country against its property.' Corn laws are

the enterprise of the rich against the property of the poor. They are a struggle between the '*have-somethings*' and the '*have-nothings*,' for the purpose of taking from the latter, in the scriptural phrase, even that which they have.'—pp. 68, 69.

The following passage is an appropriate addition to the preceding:—

'That it is like the French Revolution, in being an invasion of property.—*A.* It is contrary to the evidence of facts, that either the French or any other revolution was founded on a plan for the invasion of property. The most numerous classes, which are the industrious ones, contract every where a profound reverence for property, by the difficulty they have in amassing it themselves, and their dread of losing it. It is not the poor but the rich, whose besetment it is to hanker after the property of others.

'The French Revolution had no more connexion with a design to invade property, than the English revolutions in 1640 and 1688. Like them, it originated in a desire to escape from oppressive institutions; and when certain classes in France took part with foreign invaders, they brought on themselves the vengeance of the others, and lost their property, as would have happened in England or any where else. There might be instances in which advantage was taken of the state of things to plunder; as there were men who stole blankets in the No Popery riots of 1780. But it would be as irrational in one case as in the other, to say the invasion of property was the object of the commotion.

'In the same manner Luddites, Rockites, United this and that, have all been men acting under an impression, wrong or right, that they suffered injustice, and that the course they took was the way to remove it; and much damage has occasionally befallen the rich in the course of their evolutions. But none of them were ever actuated by an original design, to enrich themselves by appropriating the property of others.

'All history proves, that it is as true now as in the days of Harrington, that "a people never will, nor ever can, never did, nor ever shall, take up arms for levelling."'—p. 77.

The following is in a similar vein:—

'That there is a deep-laid conspiracy among the rich bankers and traders of the country, to put down the landed interest; and that it is necessary to resist these attempts at innovation, and save the constitution.—*A.* The rich bankers and traders are happily beginning to open their eyes to the injustice that is done them, and will not be easily induced to shut them again. When the traders and manufacturers ask for a tax on home-grown corn, it will be time to begin to talk of their wanting to oppress the landed interest.

'If there was really in any country a constitution which directed that one order of men should be supported by the plunder of another, it would be a constituted nuisance, and the only question would be how it should be abated.

'That they wish to gain their object by intimidation.—*A.* All justice comes by intimidation, more or less diluted. If men have any one right, enjoyment, or security, it is through somebody's being afraid of taking it away. In free countries the intimidation comes through the medium of a vote; in despotic ones, a bow-string.

'That the assertion that the landed interest ought to be put down, must be met by universal indignation.—*A.* The landed interest, like every body else, must be put down, when they insist on doing what is unjust.'—pp. 84, 85.

There is a new comment on the "mischief of manufactures."

'That the increase of our manufacturing system has, unquestionably, effected already a considerable revolution in the morals and habits which had previously characterised the bulk of the inhabitants of this country; the confined and crowded state of manufactories has a decided tendency to shorten the average duration of human life, and to corrupt the feelings of the workmen employed in them. We, therefore, doubt whether any augmentation of profit to be expected from a great extension of our manufacturing system would, in the eye of an intelligent and humane legislator, compensate for the moral and social evils unavoidably connected with it [*Quarterly Review*].—*A.* Suppose the manufacturers were to say, "We do not like bumpkins. They are a stupid race. They are moreover immoral; and get innumerable bastards. They must not be allowed to multiply. We will have an act to put a tax on home-grown corn."

'Suppose again, part of the land-owners were to say, "It is quite clear that our mountain lands are healthier than the others. Men live longer on them. Pass an act to prevent the men of fens from selling their crops. It is charity."

'Upon such pretexts as these it is, that the legislature is called upon to cut off a large proportion of the public from the common right of all men to sell the fruits of their industry. And for the personal profit of the demanders.

'The legislature is called together, to do men justice; and not to determine who, upon the representations of his enemies and rivals, is a fit subject to have justice done him.

'Instead of the manufacturing and commercial system being productive of moral and social evil, it is what has made the great difference between the modern and the ancient world. With the ancients the road to wealth lay in the robbery of others; with the moderns, in industry and freedom. The predilections of the agriculturists are all in favour of antiquity.'—p. 106.

Thanking the author for this useful and amusing book, and easily overlooking a few erroneous opinions in favour of so much that is true, expressed in so lively a style, we must conclude with the following quotations. The first is a brief account of the nature of the Corn Laws, the second, a proposal for their abolition.

'What is meant by Corn laws?—*A.* Laws which enact that the labourer shall not exchange his produce for food, except at certain shops, namely the shops of the land-owners.

'For whose benefit are these laws?—*A.* Manifestly, of those who support them,—the land-owners.

'What are the effects of these laws?—*A.* The same in kind, as would arise from limiting the food consumed in the United empire, to what could be produced in the Isle of Wight.

'What would be the consequences of such a limitation?—*A.* That the manufactures, wealth, and power, of the united empire, must be limited to something like those of the Isle of Wight.

'How would this be brought about?—*A.* First, by a general distress among the manufacturing labourers, arising from employment and wages being reduced to what afforded the smallest pittance of food upon which life could be supported;—as is the case now.

'Secondly, by a general glut and stagnation of trade, arising from more goods being manufactured than could possibly be sold with a living profit;—as is the case now.

'Thirdly, by the impossibility of any man's prospering in any new manufacture, trade, or project;—as is the case now.

'Fourthly, by the population both of labourers and traders being limited in proportion to the limitation of food, the first by hunger, the second by bankruptcy;—as is the case now.'—p. 23.

'One thing,' it is said, 'is clear. That it is unquestionably and most urgently needful that we should have the laws regulating the admission of foreign corn placed upon a steady and permanent basis.—*A.* There will never be any permanent basis, but that of abolition. It may not come all at once, any more than in the case of the slave trade; but it will come as certainly. It may be essential to the prudent removal, that it should be done gradually; but this will not prevent its being done effectually. The progress which public opinion has made and is making, seems to put it as much out of the limits of probability, that there should be Corn laws in Great Britain ten years hence,—except in part process of legal extinction,—as that there should be a slave trade.

'Any attempt on the part of the monopolists, to make what they have been pleased to speak of under the name of "a Corn law contract,"—or to represent a partial concession as binding the rest of the community not to demand more in future,—would be met with the same feelings, as a proposal on the part of the majority to expel the minority, or, which comes to the same thing, to lay it under an engagement not to become the majority to-morrow. Any such attempted engagement, however supported, must on every principle of constitutional law be *ipso facto* void. An individual may promise for himself, that he will not use the legitimate means for the removal of a wrong; but it is impossible that he can promise for another. The commercial interest would probably engage, not to ask for a duty upon home-grown corn for a longer period than the agriculturists have had one [illegible] ign; but they would be fools if they engaged for any

'Finally, if an intelligent and honest elector were asked what he required that his representative should undertake to press upon the legislature in his place, it would be, that whatever duties, or scale of duties varying with the price of corn or otherwise, should be laid on importation, he should vote as an amendment, "That the sum of [ ] shillings per quarter, or such sum of inferior magnitude as shall in any case be equal to the whole of any amount or quantity from which deduction is herein-after directed to be made, be deducted from the said duties, or from every respective article or degree of the said scale of duties, on the first day of January next following; and that the like sum of [ ] shillings per quarter, or sum of inferior magnitude in case as aforesaid, be in like manner deducted from the actual remainder or remainders, on every succeeding first day of January, till the whole shall be removed." This would be a permanent basis; and any other, it may be prophesied, will not. Such a motion might not make much way at first; but like the motion against the slave trade, it would end in being carried. And whoever makes it, will be the father of the abolition.

'When this shall have been carried, the next thing is for the commercial and manufacturing interest to ask for compensation for past wrongs;—not in the shape of a duty on home-grown corn for a period equal to that for which the agriculturists have had one upon foreign,—but in the shape of a gradual removal of taxation from industry to rent, of such a magnitude as on the principles of the comparative value of perpetual and limited annuities, shall be equivalent to the other. This is justice; and as long as this is not done, justice is not obtained.

'If the landed interest protests against the magnitude of the surrender, the answer is that if the case was reversed and the commercial interest was the oppressor, the agriculturists would see clearly, that the magnitude of the surrender was the measure of the injury,—and that to protest against it on that ground, was like a highwayman's protesting that he shall lose good five hundred a year by the establishment of the horse patrole'—p. 111.

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Art. III.—*Library of Useful Knowledge.* Baldwin and Cradock.

IN a former article we have attempted to shew the utility of science, of the sciences, to the working class, or lower orders, as they are called, of the country; and avoiding, as far as we could, all the collateral questions springing out of this chief one, which have excited some unjustifiable and unwarranted collisions of opinion and warmth of temper, we attempted further to argue for the extension of a system of Education to them, confined principally to those subjects. We are now induced to pursue the same question for another purpose: it is our present object to show, that, while science in general, and

the sciences in detail, do not form a branch of our general and established system of education for the uppermost and middle classes of society, yet, that scientific education is most necessary for those ranks, and that an education, in certain sciences specifically, is indispensable to many masses of men, or to certain classes, ranks, professions, even to individuals, throughout the whole scale.

In pursuing our inquiries, we are sensible that we have much ignorance and many prejudices to overcome, as to the utility and applications of science, yet we expect to produce more effect by demonstrations that all can understand, by facts which no one can evade except by opposing facts, than we should do by general statements which many readers might not comprehend or not value, and which, as generalities, can be evaded by those who do not distinguish between a vague and false generalization, and one which is logical and legitimate.

We must commence by observing, that science is little cultivated or little honoured in England, notwithstanding our country abounds in practical applications of all the sciences, and has produced, as it does now contain, men of the first attainments and highest reputation in every one. Such facts would, to our general readers, appear to contradict our assertion, and even to render our paper superfluous; and we must therefore draw a distinction for them which they might not have drawn for themselves, by which we shall put what we mean in a clear light.

They who make this remark, are, in common, the mass in the higher and middle ranks, accustomed to consider Latin and Greek, or the learned languages, as constituting Education; and the universal practice as well as conversation of the country confirms this to be the general opinion. This education is called learning; as he who has acquired it most effectively is termed a learned man; while those persons do not consider science as learning, nor men of science as learned men; just as little as they view the cultivation of the sciences in youth as being education. Men of science are viewed as a species of professional persons; and those generally, perhaps, who are distinguished for specific sciences, as a kind of traders. It would surprise one of those persons, nearly the entire mass of society, were it proposed to educate their children in the sciences, or in any science, instead of in the learned languages; nor would such acquisitions, even to the loftiest extent, be considered as an atonement for what is alone called education and learning, nor enable the possessor to maintain his place in society, or in general reception, even against the merest haberdasher in Greek articles.

Or, in another view, science is not considered as being commendable, otherwise than as it may be the ground of trade or profit: it is not viewed as ornamental, as forming a recommendation to the possessor, as indicating abilities, still less talents fit for what is termed business; and, most of all, it is not considered as so acting on the mind or faculties, as to be that engine for the occupation or improvement of youth which is supposed to exist in Greek and Latin.

The fact in practice is, that, with some few and recent exceptions, scarcely any scientific acquirements are inculcated in our Universities, except the abstract mathematics of Cambridge; no attempt whatever of any nature having, till very lately, been made at Oxford, and such institutions as might have been attempted having died a sort of natural death. At the same time, all our schools for youth, private and public, taught and teach nothing but Greek and Latin; and the same was and is true of all private teachers and private tutors; the only exception being a species of interloping, undertaken by what are of modern invention, and called Academies, while even in those the attempts to teach science have always amounted to little or nothing.

We need not state the other exceptions, consisting in naval and military schools, public or private; as the general fact ought to be evident. But what is also no less important, and more specifically so as it concerns our present article, the public at large, throughout all its higher and medium classes, has never yet considered, and does not now consider, science in general, or any science specifically, as useful to any but those who are professed men of science, or to him, the engineer or what not, who converts it to the purposes of trade. Hence it never dreams of conferring a scientific education, except for professional purposes; and thus also it happens that the number of those who have cultivated science in society is far less than there is a real demand for, while also that education, even where given, is less perfect than it would be were science viewed with but half the favour bestowed on Greek and Latin.

We desire that science should at least take a conspicuous share in all general education; and were that indeed the point which we had to discuss now, we would show that the sciences, in some form, knowledge, facts, realities, are the proper and only useful occupation of absolute youth; and that the knowledge of abstractions and signs and words, the more properly metaphysical parts of learning, should be reserved to a later age. We would prove that the minds of childhood and extreme youth are capable of little more than the acquisition of facts, as their

inclinations, excited by that ardent principle, curiosity, which is implanted by nature for this very purpose, tend to that alone; while we absurdly forfeit all the advantages which it affords us by diverting their attention to what they cannot understand and must abhor—abstractions and unintelligible nonentities. And we would also shew that this is the appropriate discipline of the mind in extreme youth, as it is, indeed, at more advanced periods: arguments to which we might add many more in favour of science as the object of education, in favour of *knowledge*, not of *learning;* of things, not of words, as the proper employment for every one who ought to acquire in youth that which he is to make use of in age.

In as far as the higher accomplishments in science exist, their professors are limited to perhaps some half dozen or dozen of men in all England, if we except those to whom, as professors in universities, science is a trade, and who, therefore, as the compulsory possessors of such knowledge, can claim no more merit from the possession than a carpenter or a smith might do from the ability to execute those tasks by which he lives, and for the due execution of which he does not, therefore, look for praise. He, the haberdasher in Greek, who lives by trading in Greek particles, is a more unreasonable being than the meanest tinker; claiming merit for that by which he also lives, as the other does by mending kettles; whereas he is paid for exercising equally that which is to him a tinkering trade, and which, so far from being a source of merit, is but the means of avoiding the punishment he would justly incur, in some shape, for undertaking to do what he did not understand or perform. Did we apply this scale of even-handed justice to many a boastful and boasted name, we should materially reduce the amount of false fame by which the world is deceived.

Do we look to something more moderate and general, what do we find? It is notorious that the British Museum, for example, has rarely if ever been able to supply itself with competent officers in the departments of science. Oxford and Cambridge have been puzzled to find professors among their own most learned bodies, when new foundations for or in science were offered or instituted. We may refer to Watson for an instance; we might refer to many more, were it not invidious, as coming too near to those who are now alive and acting. The Royal Society is not conspicuously rich in science when we number its long list of members; and it has not always been very ready in finding adequate presidents and secretaries. The several places of astronomers royal have not, on all occasions, been easily filled. We have abounded in voyages

of discovery, and we have not very often been successful in discovering men fitted to hold offices of science in them: so far from it, that, for want of such persons, a considerable portion of the information expected from such achievements has been defeated or not attained. Recent speculations, to which we need not allude more narrowly, discovered, unexpectedly to many, not so to us, that all England did not furnish half a dozen men of leisure and abilities competent to undertake the direction of common mining establishments; and if even the progress of these speculations was thus impeded, so did it happen that they were obliged to take up with the mere name instead of the thing itself; with military men, because they happened to be called engineers, when it was engineers of a far other nature that were wanted: while from similar ignorance, an office that, in any country such as ours ought to be, should have been executable by one individual, was compulsorily divided among several persons.

Now that this defect is much more widely displayed by society at large in our own still opulent, active, industrious, busy, ambitious and really well-informed country, we shall hereafter see. Science is not properly an object of cultivation in England. If it were, it would be respected, courted, applauded; and, conversely, if it were all these, it would be cultivated: for applause and consideration, even among us, valuing as we do wealth above all earthly possessions, would produce this effect. That this is not the fact why need we say? and why need we say who is the applauded and courted man; the man to be followed and worshipped and be-printed; the man to fill offices; the man to occupy bishoprics; the man to educate kings, queens, princes, princesses, and ministers of state, and finally to be rewarded with archbishoprics and bishoprics, and deaneries, and all else of the goods and honours that follow *learning*, and are refused to knowledge?

The term Government comprises so great a number of individuals in the upper and middle classes of society, and very especially in the uppermost, that an examination of the functions and performances of such persons will be the readiest way to bring before our readers the object which we have in view; namely, the offices or duties connected with science, or knowledge, which they have to perform, and the means of executing them which our system of education has provided.

We have no intention of passing censure on the government of our country in these remarks: neither on the supreme power, nor on the legislative body, nor on the different councils or departments, nor on bodies nor classes of men, nor on separate function-

aries, and far less on individuals. All our censure is intended for a defective system of education: and we are much more inclined to compassionate than blame those from whom the means of qualifying themselves for their duties have been withheld, and who have been forced to undertake offices which some one must perform, and towards which the system of general education could not, perhaps, produce persons better fitted than those by whom they are actually filled. It will be time enough to censure the government when it has acquired the means of selecting competent persons, and neglects to use them: nor is it the fault of the State that our system of education is erroneous, while we might show that it really has exerted itself, by means of establishments of its own founding, namely, by its naval and military academies, in correcting the deficiencies and filling the blanks which appertain to our established and ancient system.

Let us look at the kinds of knowledge which are demanded from the State and exercised by it; while we have fortunately the means of doing this very commodiously, by sketching the actual duties of that department which is, in itself, a miniature or abridgment of the whole government, or which was such at least not many years ago. And as, while this epitome of the State is governed by a limited number of officers, as its functions are executed by no very great army of functionaries, it offers the peculiar convenience of enabling us to concentrate the attention on a few individuals in each class of society, who may fairly be taken as representatives of their whole classes. Being also a changeable body, our remarks can affect no individual: since the persons are changing while we write, and may be changed again before what we may write shall have seen the light.

It will be easy for those who may reflect on the following remarks, to extend them to the government at large, where any of the branches of knowledge required for this department are also exercised; as it will also be no difficult task to apply the same train of reasoning to those specific departments which are professedly scientific ones, but which imply less variety of knowledge. And let it not be forgotten that while knowledge, positive acquirements in detail, are indispensable in the subordinates or acting persons in all such departments, so, in the upper or directing ones, choice, decision, regulation, cannot exist effectually and usefully, without at least a general, sometimes not without a special, knowledge in the same subjects; while such regulation and decision become questions of success or failure as to the business and objects of government. And they are not merely questions of good or bad government as to its professed ends, but questions of expenditure: thus producing waste or extra-

vagance on the one hand, and, on the other, saving or economy; while, not unusually, waste of money and bad performance go hand in hand, as both are the produce of ignorance; just as, reversely, correct performance, or good government, and economy, are associated, in every thing, and are equally dependent on knowledge. It is said that knowledge is power: but it is a maxim at least equally true, if not yet ranked among popular maxims, that knowledge is economy.

We need not rigidly distinguish between what is, and what was, because our remarks are not meant as commentaries on existing institutions, but as a comparison of what the State required, and what the means were which our public systems of education had contrived for supplying these wants. The department then to which we allude, was or is an initiative one, or, as we have called it, a miniature of the superior government, exerting a primary and uncontrolled direction and discretion. Being such a transcript, it contains, or did contain, within itself, a Treasury, an Exchequer, an army, a naval department, and a species of colonial one, in a certain sense: while, appointing chaplains, it might even, by a little stretch of imagination, be said to contain a church. In any view, it did exert, in some manner, functions of these different kinds; which is all that our present argument demands. These departments then, taken in a general sense, did require and do require, the same kind of talents and information, which the superior government demands and employs; and we have no reason to suppose that they have not been filled by officers equally efficient; since, to doubt this, would be to doubt the general well-government of the State.

But it is to the details, either included in these or independent of them, that our argument tends, because it is in these that the peculiar scientific knowledge to which we allude is required: what we have named may be included under the vague term, Business, a word which at present we need not define. In detail, therefore, this department invents, manages, and constructs, artillery, in every form, both for the service of land and sea; directing also its use and application in both services, and therefore, adding to the government of an army peculiarly informed and employed, that of the navy also, to a certain extent. It is also the planner and constructor of fortifications, both at home and abroad; adding, of course, to military talent in the art of defence, the knowledge both of the civil and military engineer. As a barrack department, it is also necessarily an architectural one, or a Board of Works; and as connected with these several classes of works in various ways, it is an extensive proprietor and manager of lands; being occasionally engaged even

in planting, or other questions of rural economy. Further, it is the most extensive manufacturing establishment in Britain; including also within its own sphere a variety of manufactures attempted by no individual or company of even the greatest capital in this country, and these having also been occasionally situated in different and remote places. If we name heavy ordnance, small arms, gun-carriages, waggons and carts, gunpowder, ammunition of various kinds, we have named the principal, but not the only, manufactures in which it is, or has been, engaged; while even the ramifications of some of these are not inconsiderable.

In what may, in our present view, be connected with manufacturing, it may be considered as the most extensive mercantile house in the world; its concerns, in war especially, surpassing all that any twenty mercantile establishments in Britain could have managed; and dealing, by purchase and distribution, in a greater variety of articles than perhaps even that number. As such also it is not only a buyer for its own use, but occasionally a seller: being further a species of broker, as an agent between the supreme government and those foreign powers whose subsidies were often paid in manufactures and commodities purchased from contractors through its intervention or brokerage; those commodities including clothing, arms, ammunition, and so forth, and thus demanding the knowledge of a broker.

If all this requires knowledge, so is there much which belongs to science as well as to the arts: but to leave no doubt of this, it was a board or department of pure Science when it included the Office of Astronomer Royal, and is now such in as far as it is a Surveying department, and is actually carrying on an extensive survey of Great Britain and Ireland, while it is also the engraver, publisher, and vender, of its own maps.

We throw into a sort of miscellaneous group what follows: and though we are sensible that the multiplicity and discordance of these duties may sometimes give a ludicrous aspect to the catalogue (though we have cautiously avoided heightening that, as we might easily have done by a different approximation), it was necessary for our argument not to omit any with which we were acquainted, because the object was, to show how many departments of knowledge are comprised under one department of government, and that however the details of business may be arranged, there ought to be some one competent to direct them by a through understanding of the subject.

Every one knows that it is a proprietor of boroughs, and therefore a manager of elections. It is an owner of shipping to

a considerable extent, a director of education as possessing one of the most useful institutions in this country, a horse-dealer to a greater amount than all the Tatersalls of England united, a medical board as governing an extensive hospital, and a veterinary one as having an almost equal charge in this valuable department of medicine. It also possesses and directs the most extensive riding establishment in England, is the manufacturer of or contractor for and judge of all the drums and trumpets of the army; and, since we must at last descend to what we cannot avoid, serious as we desire to be, it is the pyrotechnist to the government, and was even the constructor of the Chinese bridge, and the distributor of the fleet on the Serpentine. Dr. Meyrick however reminds us that it is an extensive collector of antiquities, and to a certain extent, therefore, possessed of antiquarian knowledge. In truth it is very little known or considered how deeply government and its officers are called on for scientific knowledge, and how widely and seriously they are daily engaged in carrying on operations which depend, often, purely on science, often on technical knowledge, or knowledge of the arts, and on a different kind of education from that which is considered an education in Business; operations also which cannot be conducted without these kinds of knowledge, whencever it is to come. Nor, without such a specific statement, could this have been understood; since it is always easy to slur over these and similar matters, by vague general expressions, and often held sufficient that such an individual, or some other, is a "clever man," or a "man of business," or that a department is punctual, or what not.

With respect now to the offices or officers by whom all the varieties of business, or of superintendance, direction, and knowledge, implied in what we have enumerated, are administered, it consists of a supreme head, together with a council of five, and a secretary: the structure resembling that of the government of India, inasmuch as the Governor-general, if we may adopt this term is, in himself, absolute, even to the minutest detail; capable of acting, as he does in reality act, even without the aid of an assessor, and in such a manner as to be the virtual director and judge of every particular, however minute, included in all that we have enumerated, from the construction of a citadel down to the price and quality of a pound of tallow. Otherwise, he may call in the aid of his council, or else leave to them the whole or any portion of this most multifarious business. That the inferior departments are conducted by the requisite number of subordinates, it is superfluous to say: while we must imagine, of course, that there are persons of detail in the several depart-

ments which we have enumerated, capable of managing their allotted portions of the work. Among them, in particular, there must be individuals acquainted with every separate branch of commerce which this department conducts, and with every separate manufacture with which it is engaged; that it includes architects, lawyers, physicians, veterinarians, horse-jockeys, civil and military engineers, and so forth, together with mere men of science: since, without these, we presume the whole could not be conducted, while we have no reason to suppose that it has not been, and is not, duly administered.

But admitting all this, which ought not to be doubted, when it is not denied that the principal function or department of this branch of government was so well executed during the last war as to render the British artillery the best in the world, it is still plain that there must be some provision somewhere, for educating the supreme governor and his council in such a manner as to render them competent directors of all this infinitude of subject. It is a natural conclusion at least that without scientific, and also technical, knowledge in the supreme administrators, the work must be imperfectly done, inasmuch as it could not be duly superintended or directed: while we need not spend words to show in how many ways a want of the requisite knowledge in those who administer any thing of this nature, in any manner, must be injurious. The individual at least who should undertake such a department on his own account, would very soon be made sensible of the consequences, in ways which we need not point out, and through modes which a very slight degree of reflection will render obvious.

We must therefore conclude that both the supreme person and his council comprise, either separately or collectively, all the requisite knowledge, however that may be distributed among them: and, very particularly, that the chief or Governor-general, be he who he may in a department which changes together with the general administration, is thus universally educated and universally competent; since he is entrusted with absolute powers, even to the minutest detail, and does also occasionally exercise those. For the sake of brevity, therefore, we will pass over the council, since the same views apply, and examine what the education of the supreme head is or ought to be; since we shall thus bring the question down to the point which we have in view, namely, the utility or necessity of a scientific or general education (an education in knowledge, not in learning) for the upper classes of society in this country, since from those must all the offices in question be filled; the supreme one in particular

being confined to the very highest rank, inasmuch as this officer is of the King's own or cabinet council.

It is indispensable that this person be a military man, as the commander-in-chief of an army which, in time of war, may amount to forty-thousand men, and perhaps half the number of horses; besides which he must be an officer capable of commanding artillery, acquainted with all its *materiel*, stores, and so forth; and further, as we have made apparent, a military engineer. This knowledge we take for granted; and we also take it for granted that this officer, as a man of business, is grounded in all that undefinable knowledge which appertains to a minister of state and the head of a prime department. It is in what remains of his duties that we trace the necessity or the existence of other kinds of knowledge; of that knowledge which it is our object to recommend to the acquisition of the upper classes in this country, and our desire to see included in what is now called Education.

This person, therefore, should be competent to direct education in science generally, and in those branches which appertain to military science in particular; since he is, in fact, what we may call the chancellor of a military university. He must be competent in civil as well as military engineering and fortification, and also in architecture; where, at least, he will be called on for the exertion of choice and taste. He ought to be a competent merchant, in trade generally, and in a great multitude of branches in detail; while he must further be acquainted with the details of many classes of manufactures, and with the various sciences on which they depend; because, in some mode or other, all these wares, and all these works and productions, must come before him for judgment, decision, regulation; including proposals for improvements, on which decisions must be held for adoption or rejection, and these always forming a very principal branch of business in this department. That he should, therefore, be a mathematician, a chemist, and a mechanician, are matters of course; or ought to have had a scientific education of a very general nature, and, added to that, considerable and various practical or technical knowledge. At least, it will not be disputed that such knowledge would be very useful to him; that he would, and always will, administer his department with more satisfaction to himself, and more advantage to the public, if in possession of it than without it.

We have only to extend this reasoning to his council; or else this knowledge must be found among them, to atone for the want of it in him, should that be the case; since it must exist

somewhere among those who govern and direct. It is not sufficient that it is possessed by subordinates only; though the business may, unquestionably, be done in this manner, at least in a certain way, which, as it is not our object to seek for faults or note possible imperfections, we will not specify. We wish to take it for granted that every thing is well done; and, as we are particularly desirous that our object in this minute detail should not be mistaken, we will assume that the present head and council of this department are, actually, what we have theoretically supposed that they ought to be, in whatever mode their acquisitions have been made.

But these men will die, or be removed on a change of administration, to give way to others, who must be taken, as matter of course, from that general class of men whence the several individuals in the political administration are chosen. Such men, political men by profession, if we may use this term, are, in their best form, what are called men of business—men educated in office, and probably men who have served different offices, and of a few other descriptions; frequently going a very extensive round through several departments of the State. It is not likely that they will have acquired the knowledge of their predecessors; because we know that an education of the requisite nature is neither given by our institutions nor esteemed an object of ambition or utility by the country at large. Must the business then stop? or, if it is to be performed, if it must be done at any rate, is there not a fear that it may not be well done in future? Surely it would, at least, be convenient, that, whenever the competent individuals to whom we have alluded leave their offices, others should be found equivalent to replace them; that all those who have taken up the profession of politics, or office, shall be so accomplished that the supreme government may never be at a loss in finding persons among them capable of doing all that it requires. We have surely proved that this species of knowledge is necessary somewhere: if it does not exist, then the business must be ill performed, and the consequences will be, imperfection or failure, and waste. But it is well performed; and, being so, it must either be through a miracle, or else it is done in secret, and surreptitiously, by persons who do not appear, and who, if they are educated, must also be educated in somewhat of the same manner, or else through their own private exertions; since we cannot find where this education is attained under our present system, operose and expensive as that is. In any case, is that knowledge which we have shown to be necessary, indispensable, to be despised and opposed? or would it not be the policy of

government, as well as the interest of individuals in the classes of which we have been speaking, and pursuing the objects which we have pointed out, to encourage the requisite education, and to instruct themselves in that knowledge which is required for the effectual and conscientious discharge of their duties?

The necessity of a scientific education to the upper classes, to whom the duties which we have so minutely explained are allotted, must, we should think, be obvious even to themselves; it would have been so long ago, were it not for the fashions and habits of the country; from the present mistaken views of education, from the idle preponderance given to what is called *learning*, and from the consequent ill-judged contempt, arising from various causes, which has been thrown on scientific acquirements. Thus it is the system, rather than individuals, which is in fault: and, whatever effect our statements may produce on establishments, on those who conduct the education of the country, we are sure that we are doing a kindness to the individuals in question, by thus urging what we have done, through friendship, and not in the spirit of censure; for we are confident that no honourable man can be at ease under the reflection that he is working in darkness. And we are sure that a great accession of pleasure would be the result to such persons; as they would find business easy because it was understood; would feel that they were doing it without effort, uncertainty, or disappointment, and that they were no longer subject to the frauds, or deceptions, or errors, to which they, and the public service through them, are now exposed.

If the results of extending a scientific education to the upper ranks, or, in general, to all those who are now educated only in Greek and Latin, would, in the first instance, as we have now stated it, be directly beneficial to the government, it would also operate as an encouragement to science itself, and, collaterally, to men of science; while, if incidentally doing justice to those who surely do not experience that at present, either from society at large or from the state, it would so re-act as, in furthering the progress of science, to benefit the government itself directly, and the country, in various ways, indirectly. Let us consider a moment what these consequences would be, for they are not unworthy of our consideration in this question.

It may be considered of little moment, and it really is so, as far as the individuals are concerned, that men of science are not adopted to fill those offices where scientific knowledge is wanted, that they are not employed, either as principals or necessaries, or even as inferior special officers, or as mere

assessors to the men of political education, or of business, to the clerks, of whatever nature, who fill these departments. But the consequences of this neglect, which, to use a vulgar phrase, suffers talents to starve, are evil in a very different manner. Thus that cultivation of science which is discouraged by the system of education in the first instance, is further and more effectually checked by the experience that it will lead neither to honours nor rewards; while, partly from this cause among others, it arises, that the possession of such knowledge is not even a ground of credit and respect in society; being, literally, as nothing, when compared to the slenderest acquisitions, or even the bare reputation of acquisition, in Greek and Latin. The man of science, indeed, is looked on as little better than a mechanic, and is even often ashamed to produce or confess his knowledge; while he of reputed *learning*, of Greek and Latin, or of literature and poetry, is the gentleman, the accomplished man, or, perchance, the idol of society.

But if, with the general suffering of the commerce or wealth of the country, from the discouragements thrown in the way of science, the government must suffer indirectly, so does it suffer immediately and directly, by checking the growth and production of those very talents, or persons, without whom its duties cannot be properly performed. It is of little moment that a man of talents starves when a moderate salary would reward him for his labours and for the expenses of his education; but it is of great moment that the work of government should be properly executed, while that can be executed only by the very persons who are discouraged in the acquisition of the means of doing it properly.

We have said that the proof of the due execution of those duties is found in the undisputed efficacy of our public service; yet we have often heard it asserted, that in the dock-yards, the arsenals, the government manufactories, the trading departments, or whatever else, the savings, in money alone, which might have been produced during the war by the due application of a few salaries, not extending to many thousand pounds, would have amounted to many millions, even putting out of the question the better execution of many works, the supplies of better materials, rapidity, punctuality, efficacy, and much more; to which we may add, what is of infinite moment, the adoption of those improvements which science suggests, and which can never be done except through men in office, possessed of sufficient science to judge of their nature and value. This is a view taken by those, probably not quite disinterested persons,

as being men of science themselves, who desire that men of such educations should be peculiarly distinguished and selected by the government. It is a question to which we shall recur directly: but, whatever partial remedy it might offer, it will never effect what a more general diffusion of science would do: let us first see what are the remarks of such persons on improvements, and their adoption.

The repugnance of government so generally manifested against such improvements, is one of the most common subjects of censure or remark among the people at large as well as the individuals in question. It would be easy to quote facts in abundance; but we are very unwilling, even to repeat after others, any thing that may give pain, or appear to carry individual censure, in a representation which we desire to see read with all the sobriety of feeling under which it was written; holding it ill policy to suffer the passions to intrude in what ought to be a sober argument, or to run the hazard of defeating our sincerely good intentions by offending the feelings, or even the prejudices of any one. Yet, as we cannot absolutely avoid some examples, let us state what is thus asserted, namely, that during nearly the whole war, and amidst an immense business, there was not a steam engine in our arsenals or dock-yards, that such labour as heavy forging, turning, sawing, and much more, was done by the power of men or horses, that the cranes and other similar machinery were of the very worst and most antiquated construction, that heavy timber was moved by the common hand-jack, and dragged along the ground by horses, even without a truck; with a vast deal more that we will not enumerate, often leading to ten times the expense that the most common improvements, and those in use in all private establishments of the same nature, would have caused.

We might, indeed, fill some pages with the enumeration which has thus been given by discontented men of science, and with a computation of the evil effects, both in services ill performed and money wasted; but we must content ourselves with stating what is said to be familiarly known, that the government rarely if ever originates an improvement, and is always lagging with a tedious pace behind private establishments or individuals; insomuch that it is almost proverbial in this country; while a splendid instance of the reverse, and as it has been said, the only one (we mean the adoption of Mr. Brunel's block machinery at Portsmouth), will serve to prove, by contrast, what it might have done, since the advantages gained by this establishment have been enormous.

To pass from the facts themselves, the cause of all this is plain, according to the views of those from whom we are here borrowing. It is usual to say that government is especially pestered by inventors and projectors; two unhappy terms which have always been the excuse that ignorance has made for rejecting what it did not understand. It is no excuse, however, where the invention or project is already in useful activity; nor would it ever be required, were there persons in those departments who were competent to judge between a wild project and a useful improvement. But the truth is, that the government does not possess those persons, for the reasons that we have been stating; and that they who conduct the offices as mere men of business, are aware neither of the facts nor of their value. They are not accustomed to consider, however competent they may be to the routine business of their departments, that all this is the produce of science, that all excellence or the reverse depends on the right or wrong application of such knowledge, and that it has those powers of doing good which it professes; while, being further used to what is called *precedent* in the general conduct of official details, they do not perceive where precedents are fit only to be departed from; never even considering that a steady adherence to precedent is an adherence to former ignorance, and that it is a rule which declares perfection to have been attained and improvement impossible.

Such are the remarks of the men of science in question. We, arguing on our own grounds, are convinced that, in such cases, the officers in question mean well, proceeding according to the lights which they possess; nor do we think those persons deficient in anxiety or attention; as we are equally convinced that in opposing such propositions or changes, as well as in an opposition to the employment of men of science, or the formation of offices for such persons, those offices and the State above them are actuated by the laudable principle of economy. But what we do maintain is, that a different education in those persons who thus administer the State would produce in them far other views; and that until they receive this they will not be competent judges nor effective economists; while it is asserted by the persons whom we are quoting, that they are such at present.

We must not, however, be unjust, because men of science are discontented. Even as it is, and through all these difficulties, the actual improvements which have taken place are enormous, both in their number and results; yet, having been slow, and being less numerous than they might be, we agree that the effects are far less beneficial than they ought

to have been. Still, this has not produced the general result of opening the eyes of those persons to the steady and certain value of similar improvements; nor can this ever be, until they receive the species of education which we argue for, because it is this alone which will furnish those solid principles of judgment which cannot fail. It is almost amusing to remark, after the sticklers for improvements, how all these operations, be they what they may, are held as a kind of matter of course; as if they performed themselves according to a certain law of nature, rather than through the efforts and studies of enlightened men. When improvements have at length crept in through all obstacles and opposition, we might imagine that they were considered as having dropped down from the clouds; it never being inquired how or whence they came, or who was the cause; it being seldom even known that changes or improvements had been made; as if it was supposed that the present anchors and cables, for example, had thus been fashioned from all eternity, or that guns and carronades had sprung up, like Cadmus's soldiers, out of the earth.

Now if this be all true, and were the persons to whom we allude educated in the knowledge which we desire, they would at least know whence and how all this was produced, to whom they might have recourse for what they wanted, and even what their wants were, if they did not know how to supply them. And while, for this, even a moderate scientific education would suffice, if, in the supreme state, the mere knowledge and acknowledgment that such a thing as science existed; if it were known that there were men versed in the several sciences, and that science was the basis of all such operations or duties, as it was the foundation of the arts and commerce which it is the business of government to promote, it is certain that nothing but this knowledge, produced by the encouragement and acknowledgment of science and scientific acquirements, will ever effect that general improvement in the management of public affairs of this description which, in the case of naval architecture in particular, is said to be peculiarly wanting, as this most important department of practical science has, in the public estimation, been peculiarly neglected.

Were our purpose rather to censure what is past than to express our wishes as to what we thus contemplate, we might, in detail, and through the facts which have been so frequently stated by the men of science to whom we have alluded, shew the large sums of money which have, according to them, at different times, and in different ways, been wasted for want of science, the services that have failed for want of science, the

improvements that have been rejected and are daily rejected for want of science, the inconveniences in endless modes which follow from want of science in the government and its departments, or, what is the same thing, from want of a scientific education in those persons by whom certain of its offices are filled; yet we do not think that mere men of science can ever be substituted for men of business; that government can materially change its system as to the choice of officers; while we do think that if a scientific education was as general as education in the dead languages, a sufficient quantity of science would always be attainable; and while, further, there would be such a basis provided, that any individual might, if thrown into a scientific office, qualify himself to the utmost extent that was necessary, by his own private exertions.

Again, we repeat it, it is not the individuals that we blame, nor the government, otherwise than as it might influence the general education of the country, and contrive, through means best known to itself, to render science an object of ambition, and the road to honours and emoluments. It must act, for this purpose, on society in the general mass, on science, or on education, in its germs, and thus create that repository of intelligence and knowledge by which it may afterwards profit. As society is constituted now, and as education is administered, it can but act as it is doing; it must help itself and fill its offices from the mass as it is, and must be content with the best abilities it can obtain. It might be said, as we have been observing, that the selection of men of science for office where science is required would be an easy remedy, and also a remedy as just as it was appropriate and profitable. We are not so unreasonable as to suggest this expedient, whatever remedy it might offer; though, to a limited extent, we may think it just, as it would be useful. We are too well aware that as our government is at present constituted, it is impossible, or rather inapplicable. We do not wish at present to inquire whether that is, and is always to be, indispensable; but it is obviously the present plan and policy of government to fill its ranks with certain families and certain persons, for well known reasons, which we do not at present wish to dispute, since it is, in reality, the existing constitution of the country. To change such a system would imply a political and entire reformation not to be expected; and as we have no right to suppose such changes, even for such an obje[illegible]ested, and shall continue to urge, the onl[illegible] to raise science to the honours whi[illegible] it an

object of necessity or ambition to those whom the government must employ as functionaries; and for those ends, by various obvious means, so to model or reform our present system of education, as to render it competent to the ends in view. But unfortunately this want of appropriate knowledge, though supposed to exist through all boards and departments, all heads, and all clerks, fails when we arrive at the specific individual to whom some scientific detail is actually allotted, and who is often, himself, far from being the most competent that the country could have furnished. Nor is even this a matter of censure on the government; when, down to the absolutely practical superintendant of workmen, or whatever else of detail, the country at large does not furnish any great supply of efficient persons. In our paper on the Education of the Lower Classes, we have shown how imperfectly trades and manufactures were often conducted, by mere men of capital, without other knowledge than that of the counting-house, and through the intelligence and knowledge of mere workmen raised out of the lower classes, self-educated, or taught mechanically, through a routine of service; so that, even in that respect, it is not possible that government can administer its affairs otherwise; while if the manufacturer, whose personal interest is so deeply connected with his own knowledge, does not act better, we cannot be surprised that, on this head, those who direct similar affairs for the government, without the stimulus of personal interest, should be still more deficient.

In all this, indeed, censorious as it may appear when thus approximated and stated, we have said nothing that is not perfectly well known to all our well-informed readers, and which will not be acknowledged by the very individuals who may find themselves included under these remarks. They do not even pretend to science in any form; and were the question put to them in any other shape, they would disclaim it, however they may feel the charge thus presented to them as a charge of ignorance or inefficiency. Who all these persons are, is well known generally to every one: individually, they include the personal acquaintances, in numbers perhaps, of every reader of this article; and it is almost superfluous to say, that from the first minister of state to the lowest clerk in a dock-yard, the deficiency is the same. They are men of business, as it is called, able, attentive, accurate, and laborious; but they are still, with very few and rare exceptions indeed, pure men of business, as the phrase is, or, to use a term less pleasing and equally not requiring definition, clerks, official men.

We have already noticed a suggestion which has often been made under different forms, namely, that of adopting men of professed science into public offices requiring such kinds of knowledge, and have stated some objections and difficulties, while pointing out, as we consider it, the inadequacy of the remedy, and also what we view as the only effectual one, the more general diffusion of a scientific education. The example of France has been held out as a pattern for our imitation; since there, as is well known, even the higher offices of State have been occasionally filled by professed men of science, among whom Chaptal takes a distinguished rank in the memories of all.

In a country such as ours, it is said, where there are so many departments appertaining to the government which are dependent on science, and carrying on scientific operations, manufacturing, or otherwise directing on such an enormous scale of expenditure, there should be an establishment of men of science under the command of the government; men capable of being consulted or placed in the superintending charge of these several operations. And the reasons assigned are nearly such as we noticed before; that though there might be sufficient workmen and superintendants in these details, these are, still, but workmen, without science, taken from the lower classes, uneducated, and conducting their works and departments mechanically, in the same way as private establishments of the same nature are carried on; while we have formerly shown, in the paper to which we have more than once alluded, that these establishments are much less advantageously managed than they might be. And whatever such manufactures or trades may suffer from the defects of this system, from want of essential knowledge in the head, the same suffering must be experienced by government in a far greater degree, because it cannot even superintend with the same accuracy and economy as a private merchant.

Or otherwise, it has been said that every department of the nature to which we allude should be furnished with the requisite number and kinds of men of science, as permanent officers, to be in charge of those matters which cannot be known to mere men of business, and that thus at least a partial remedy would be found, as we already suggested, for the evils regretted. We are aware of certain difficulties in such an arrangement; yet we can see none [illegible] while in some cases assuredly there would [illegible]r. We may, then, agree with the p[illegible]luded, in asking why it is not [illegible]wer the question

ourselves, unless it proceeds from the general defect of the whole system. If the State, or the several inferior departments, do not perceive the utility and application of science, we cannot expect that they should feel the necessity of possessing scientific officers, or creating a scientific office; but, whatever the explanation be, the fact is such as it is represented, while if we have suggested the true one, the only remedy will be the wider or general diffusion of a scientific education among the members of the government.

If it is answered, that, in these departments, there are individuals possessed of the requisite knowledge, since, without that, the work could not be done at all, the reply is not difficult. Such persons are artizans, or technical men, not men of science; and even were they so in particular branches, it is easy to see that science so divided does not answer the purposes in view, since it is incompetent to the higher ends required, to direction, regulation, improvement, uniformity, and much more. And we believe that the assertions made by the persons to whom we allude is true; namely, that there is not a professed man of science either in the Admiralty, the Navy-office, the Ordnance, the Customs, or the Excise; any more than there is under a department jointly public and private, the East India Company; though, in some of them, there may chance to be partially scientific individuals, such as sir Robert Seppings. Yet these departments are in a great measure truly scientific ones, as we have shown of one of them in some detail. We believe, however, that in former times there were such persons attached to the Admiralty department, as there is, we also believe, one in the Ordnance: but whether the former were suppressed from motives of economy, or for want of services to perform, we do not know, though we should think the latter cause impossible. At any rate, we state the facts, leaving it to others to draw the conclusions; while if the government is often obliged to apply to the Royal Society for information, this is at least an acknowledgment of its wants, as is the establishment of the Board of Longitude; while we shall only agree with the public voice in believing that the ends in view are inadequately obtained, in the former case at least. The latter is an experiment founded on the recommendation to which we have here been alluding: and it may perhaps be yet too soon to ascertain whether it has answered the views and hopes of those by whom it was proposed and established. Should it have accomplished these, it will strengthen their case, and also justify the further extension of a similar plan to other departments and other purposes. It is perhaps a minor object, that the mere semblance of respect to

science thus indicated, may remove from our country a certain stigma which lies on it throughout Europe for neglect of science in its establishments; as it may also tend to give that kind of knowledge some slight show of consequence in our own country.

But whatever be the advantages of schemes like this, and we are surely among those who ought to approve them, still the want of this aid is scarcely seen or felt by those alone, the State itself, who could adequately found, extend, endow, or employ, the class of informed and educated persons to which we allude. Want of science in themselves, with ignorance or an inadequate conception of its necessity or value, is thus their excuse and apology; but it is also the obstacle to any arrangements of this nature, and one that will not be overcome, except through their own education; so that we are still brought back to our original proposition. As we view this matter, indeed, we might as well conceive an organized office of clerks incapable of writing and cyphering, as a department conducting chemical and mechanical works without an adequate scientific body to direct them: but this cannot so be felt by the public at large, nor by the government: nor will it, until a scientific education shall become as general as one in the dead languages, when the evil will correct itself almost without an effort.

And this is an effect for which we must wait. It is in vain to say that government might even now supply its various offices with adequate persons. We doubt if it could: but even if this were the case, we have already shown how it was inexpedient, or impracticable, consistently with the present system. We will not deny that it might accelerate this event by the countenance and patronage of science, as we have already suggested: but no general reformation will occur till science or *knowledge* shall in some degree supersede or replace learning, or till knowledge shall at least be communicated to those to whom it is requisite, while *learning* is reserved for the unoccupied, or considered as what it truly is, an elegant more than an useful attainment, or an attainment, of which the uses at least are of a different nature from those which form the strength of modern governments and nations. Such a system, were it the *fashion* of the country, would, without design or seeking, place in the upper departments of government, men uniting knowledge to learning, and ready, from their own impulses, to [illegible] the changes which seem to be required. Thus [illegible] inferior departments be filled by men know[illegible] instead of such portions of Greek and Lat[illegible] to have acquired, and equally without

while the jealousy or invidiousness which may now exist as to distinct men of science in such departments, would disappear for want of an object. Such, at least, do we conceive the result would be: and that, thus, without difficulty or expense, the deficiencies in question would remedy themselves through the mere diffusion of an education founded on different principles, and directed to different objects than is our present worn out and antiquated one.

It would be long, as it ought to be superfluous, to name the questions, even of mere rigid science, which are perpetually brought before the legislature for decision, and on which it will ever be impossible to decide justly or usefully, without scientific knowledge. And on these questions laws are often to be made; laws affecting the entire public, as of a municipal nature, or else determining questions of right between contending parties and opposing interests.

It is easy for almost any one acquainted in the slightest manner with the business brought before the House of Commons, to perceive what we here mean, and to apply the conclusions which we desire. But as this particular case is an important one, while it is seldom considered by the thoughtless how materially the ordinary business of Parliament involves scientific measures and demands scientific knowledge in the members; while also it is but too true that those legislators are rarely men of science, and do not even pretend to it, we will venture to point out an example or two, for the purpose of illustrating our argument, even at the hazard of reminding our readers of what they already know. It is far from our intention to pass censure for any deficiencies of this nature which may exist; since, as we have repeatedly said, were we here inclined to blame any one, it would not be those individuals, but the establishments and the persons by which they have been misled during the period of their education.

There is a question, for example, relating to a canal, a drainage, a pier, or an embankment, requiring a knowledge of engineering, and much more; and there is a law to be passed dependent on that knowledge; while neither the committee which is to examine the question, nor even the entire House which will decide on it, professes to understand the subject in debate, and while, forming another branch of our deficiencies in this point, even the counsel who is to plead, is equally uninformed, or, at least, deficient in the essential knowledge. Justice must nevertheless be done; and it is attempted to do this through evidence—the evidence of scientific and other parties, who must unavoidably be frequently interested, and who

may easily be interested against justice, or at least prejudiced, without positive intentions to do wrong. Need we say that evidence of this nature cannot be duly understood nor efficiently analyzed by him who is not in a state of information at least as great as the witness, or, at any rate, not far inferior? The examiner knows not how to cross-examine for the truth; and even if justice should at length be done, as it is always intended, time is wasted, and expense incurred, frequently from the very ignorance which we are lamenting rather than blaming. The counsel who is *crammed* (to use a vulgar word) for the occasion, is, in reality, seldom better informed than the judges; and, willing to deceive, as it must sometimes be his very business to do so, he may also very often be himself deceived. It would not be difficult to prove, that what we have here alluded to has sometimes happened, under many modifications; while we ought not, and indeed will not, carry our illustrations so far, since it gives us pain to pass even the appearance of censure on those who are not really in fault.

With such cases as this, we could fill endless pages: but we will pass to the instance of a municipal case, a penal law, or a law of regulation, affecting a certain department of society, or the whole. Here, similar questions are of eternal recurrence; and why need we point out the difficulties which have always beset them, the delays which have occurred, the expense, perhaps even the ruin, which have followed, or the occasional oppression, and even injustice, which have been, and are still, endured, where every one is nevertheless guided by the best intentions, and where, with the desire to do right, no pains are spared in the necessary examinations and labours. Even in a far minor point of view, it is no small evil to construct laws, as laws have been constructed on such occasions, which could not be executed, or were insufficient for their objects; leading to amendments, and repeals, and new laws, or to what is a still greater grievance, to an accumulation of laws, sometimes superfluous, or else nugatory, or even contradictory.

Thus could we point out, with very little difficulty, laws which placed an absolute impediment in the way of the very operations which they were designed to promote, or benefit, or regulate; laws which have produced the exactly reverse effect to that which was intended; laws which would have produced ruin to individuals, had they not been evaded until they were corrected; laws directing that to be done which was impossible, ordering to be done what was already done, because it was the interest of those concerned to do it, with endless more errors of the same nature, and all proceeding out of a want of that

knowledge which belonged to the subject under legislation, and of a knowledge which was Science.

The mere examination of the mode in which a law, on any subject of this nature, is prepared, even before discussion, would be sufficient to prove the inconveniencies arising from a want of the education, or knowledge, which we here have in view. What that is we need not minutely detail: but, when the preliminary and needful information is furnished by a person borrowed or referred to for the occasion, not always very well informed, not always uninterested, when the incubation and torture which this undergoes in the barrister's chambers form the next step, and when, to all the circumlocution and load of words which fashion, or whatever else, has established, and which is maintained for many more solid and mischievous reasons than fashion, we add the ignorance on the part of the constructor of this machine, with respect to the subjects before him, it is not wonderful that the results are what we have so often seen and lamented. But even this is but the commencement of what is to be completed, under evidences, often of the most difficult species or the worst quality, under the arguments of counsel, on two sides, under the separate opinions of members of committees, under their general vote, and, next, under the separate opinions and views of amendment belonging to the whole House, with the final addition to all this, possibly, of as many opinions in the higher House, to which it must proceed for confirmation, or otherwise.

It must be a fortunate law indeed that will pass through this fiery furnace, and come out as it was intended, and also with the powers and properties which were designed: but, were the case put even to the very legislators themselves, and of another nation and country, that laws were enacted in this manner, by persons who did not even profess to understand the subjects in question, would it not excite incredulity? The very groundwork of legislation is knowledge; and that knowledge, for obvious reasons, the most minute, the most perfect, the most clear and comprehensive. Nay, the knowledge required for legislation ought to be united, were that possible, to what cannot be commanded—the gift of prophecy; while, as far as man can foresee events, his powers, in this respect, depend on his knowledge, and are proportional to the extent and accuracy of that. The ordinary ends of life in general, as far as they are engaged with science, can be conducted under very imperfect knowledge; and even science itself can pursue its own philosophical ends through a limited acquaintance with its subjects. But legislation can admit of no ignorance; since, while its

bearings may be universal, and its relations the most entangled, so may the most pernicious and widely evil results be the consequences of that ignorance. Thus, indeed, does legislation itself judge and decide; selecting, or professing to select, those which it entrusts with this work from the most enlightened and the best informed; insomuch that the very term Legislator is almost proverbially an equivalent expression for the highest summit of abilities and knowledge, as the legislative council of a state has always been, theoretically, if not practically, the collection of its wisest men—its Wittenagemote.

In our own legislature this is practically true, or may, at least, be supposed true as to the general body of legislation; as to all that belongs to the laws of property, in a general view, to the laws of descent, to the criminal law, and so forth, to a much wider extent than we need state. Yet, when laws begin to affect pure questions of science, numerous and constant as these are, it ceases to be a fact; or, as the members of our legislature are not men of science, the conclusion is inevitable, that they are collected to legislate, in one important department of their duties, on what they do not understand, nor even profess to understand; since we tax them with nothing more than they acknowledge themselves.

We cannot, therefore, offend them by this remark; while, most assuredly, nothing can be further from our intentions. They do not, as a body, affect this knowledge, or pretend to it. On the contrary, they have disclaimed it on several occasions, by referring to committees out of doors for information; as they also, daily and personally do, in the parliamentary committees for these ends, and in the House itself. We think that we are correct in saying, that the late lord Stanhope was the only man of science in the House of Lords, that he was even acknowledged to be so, and that he has left no successor; or this, at least, we have often heard remarked and regretted by noble members themselves. We also believe that there are not more than three or four in the lower House who even pretend to scientific knowledge; but, though we should have underrated the number, the general fact, as it stands, is sufficient for our present purpose, even were there five times as many. It is certain that there are not enough, at any rate, for the duties, even of the committees, without placing a most unfair burthen on those few: and we need scarcely say that this does not form the whole want, since questions, and decisions also, on the subjects under review, must often proceed from that great majority which is unacquainted with the subjects necessary, and which even professes its want of acquaintance with them.

We dare not take room for illustrations on these various points, as we have somewhat more to say on the general subject, and are afraid of extending our remarks to an inconvenient length. But to note one or two, as mere hints to those whose recollections may serve them for this purpose, we may name several Wheel-carriage and General Road committees, without further alluding to the results: as we may equally refer to the Gas-light question, as we might to that of the Caledonian Canal, to Bolton and Watt's Steam Engine Monopoly bill, to Dr. Smyth's Nitrous-acid Fumigation bill, to Dr. Jenner's, to Mr. Manby's Shipwreck Claims, to sundry decisions respecting the Longitude and the North-west Passage, Mrs. Stephens's Remedy for the Stone, and Harrison's Time-keeper; as to bridges, canals, and analogous improvements, without end, and to far more, indeed, than can be at all necessary for the purposes which we have in view.

If we chose to recal to our readers' recollections what the public opinion was as to many of the decisions or laws to which we have alluded, what, indeed, had been the opinion of the legislature itself after it had seen the consequences, and reflected, under fuller information, on those decisions, we should materially strengthen our case; by showing that these errors, where there were errors—errors to which we will merely allude as sufficiently well known, were the results of scientific deficiency, or ignorance, under intentions conformable to the strict principles of justice; and that, in the other instances, great expense, delay, and doubt had arisen, which a merely moderate possession of the same knowledge would have prevented. Thus we may also recal to our readers the whole history of the new law as to Weights and Measures; of which no one, at any time, spoke favourably during its progress, and of which few speak well now. The very fact that a law so important was referred to persons out of doors, is a sufficient proof of that want of knowledge within the walls of the House, to which we have been alluding; and we surely need not point out the inconveniencies of this mode of procedure.

In addition to all that we have already said, we must, therefore, consider that our parliament, in both its Houses, requires a certain proportion of men of science, and in all the departments of knowledge; not merely for purposes of information and investigation, as connected with legislation, but as the representatives, if we may use such a term, of the several interests to which they belong, and as the persons who alone can know what may be wanted, in aiding to the prosperity of the entire country, as well as of the bodies of men or departments of knowledge to which they are attached.

This, indeed, has always appeared to us so obvious a want, that we have often wondered that it was never felt by such free towns, or electors, as might be interested in scientific questions, as connected with their particular pursuits, or objects of manufacture and trade. There is much of useful legislation required, in spite of all that we already possess, on numerous subjects in which the welfare of our arts and manufactures is most deeply concerned. And this never can originate in any other way. Such persons as those to whom we allude are the only ones who know what is wanted, and how it is to be compassed. The ordinary members of the legislature do not know it, and never can; partly because it depends on knowledge which they have not acquired, and cannot gain, situated as they are, and partly because, even were the information given to them, they are incapable, from want of the requisite principles, or fundamental knowledge, of appreciating its meaning or value, or even of comprehending its very nature; far less of defending what they may have chanced to undertake, against objections. A temporary remedy would, indeed, be found, even at present, in that which we have just hinted at; namely, the return to parliament of a few men of professed science; for it is almost utterly impossible, as they know full well who have tried it, to prevail, at present, on any members of the legislature to bring before the House bills for purposes of this nature, on the suggestion of men of science out of doors, however valuable and important the objects. And this is not an unnatural result; as persons thus situated cannot, sometimes, comprehend the value and bearings of such suggestions, for want of the necessary knowledge: while, conscious, at the same time, it must be supposed, that they should appear deficient in public, in attempting to support or defend any measure of such a nature, they shun a labour which might prove as little creditable as successful. We may add here, that were the uppermost classes in this country as well educated, or even as much interested, in science as we desire, they would often, on the view of the necessities which we have been urging, return or introduce, themselves, men of science into parliament, where their choice is now indiscriminate; since such members might, equally with any other, support whatever political measures their patron desired, while he would be a man of business in non-political questions, always at hand for the objects which we have been describing. At present, unconscious themselves of the defect which we have been pointing out, they cannot see the utility of a power thus placed in their hands.

We know not, by the way, that we could adduce a stronger

proof of the rarity of science in our own country, scientific as its general reputation still is, and much as it has done for science, than this very fact of the paucity of such persons in the Legislature. To omit the Peerage, the choice of electors is sufficiently indiscriminate, though wealth naturally claims a pre-eminence; and yet, such has this lottery proved, as to have introduced into the elected House no more, at any period, than the very few to whom we have alluded, although these are really taken from the especially educated classes.

Having thus, as we hope, proved the utility, or rather the absolute necessity, of Science and of a Scientific Education; we may be the more brief, in what we have to say in establishment of our general and initial proposition—that there is scarcely a profession or department of life in this country to which science is not useful or necessary. And if, to some of these, a scientific education is really given, surreptitiously or incidentally we may often call it, as well as imperfectly, and through difficulties, we need not stop here to make the distinction; as it will be sufficiently obvious, and as this would engage us in a longer discussion than we wish.

In the enumeration and detail that we have thus concluded, we have comprised all those who cannot be strictly regarded as professional persons, and respecting whom, therefore, it was, perhaps, the more necessary to be particular; in addition to the general interest that all must feel as to the due execution of their offices, as in some way or other affecting the security and the wealth, the peace and the happiness, of every one. We must all feel an interest in the knowledge of those who defend us from foreign enemies and from domestic annoyance; who protect our lives and our properties, who regulate the production and preservation of our wealth; who take from us, for certain purposes intended for our advantage, a portion of our property, and profess to apply it towards the security and augmentation of the remainder. And if we have shown, as we trust we have, that these persons cannot justly perform the duties that we are entitled to demand from them, without the kind of knowledge which it is here our object to promote, we must hope that we have interested every one in demanding this knowledge, and in aiding us, by their opinions or exertions, in compassing the ends which we have in view; that we have at least made a species of party in our favour, which, if it may not feel the necessity of such an education for itself, has at least become sensible of the value of it in the hands of its rulers.

But this is far from all. We have much more yet in view; and we hope to show, that the public at large is not less in-

terested, if under other modes, in the scientific education of those, a large, numerous, and various, body, which comprises what are called the professions; and which includes functions, trades, offices, or whatever they may be termed, on which the health, security, prosperity, wealth, or well-being, under whatever mode, of society mainly depends. And if we can thus make friends of what is called the public, in support of our views, so ought we to gain the acquiescence, or even the aid, of those professions or persons themselves. Like the functionaries of government, they must feel additional satisfaction in knowing that they are duly performing the duties which they have undertaken; like those, they will find additional facility in the performance, proportioned to their knowledge; while, in as far as there are inequalities in ability and industry, he who is the best informed, who is most capable of performing effectually and justly what he has undertaken, must hope that he has thus opened a road for himself to superior fame, and established a claim to higher emoluments, as to mere employment in his vocation. But to argue that he who undertakes a duty ought to be able to perform it, and that he will perform it the better as he understands it the more perfectly, appears, in its general enunciation, such an indisputable truism that we will pass from these general remarks to the details which we have in view; since, while no one will dispute the principle, ignorance, under various forms, is unaware of the applications, or uninformed of the modes, in which the admitted purpose is to be attained. It is indifferent where we commence; and we will, therefore, follow the natural concatenation of our subject, by taking those professions first which possess the most public character.

It may appear superfluous to name the Navy, and yet it is true that till recently there was not even an attempt to give to its members the most indispensable portions of a scientific education. If something has now been done, it is still limited in quality, and more limited as to numbers; while it is but too true that the race of the captain Oakums is not yet absolutely extinct. The navy, too, constitutes but a small part of the maritime profession; while we need not point out to our readers how utterly uneducated are the great body of seamen, even as commanding ships of great value, and the similar neglect, which we trust to see corrected before long, as to the men themselves, to whom those resources and that knowledge which depend on science are often no less requisite than to their commanders. Were it necessary, or indeed here possible, to give an estimate of the thousands, or rather millions, of property

and of lives which have been lost in these services, from a mere want of scientific knowledge, the account would in itself form an argument of insuperable force and weight. Had we not already chosen a different class of details, we should have produced from this source alone, a mass of facts and results which would scarcely leave any thing to be said on the subject.

That the Army had been similarly neglected, is even more notorious, since its ancient ignorance and contempt of knowledge were indeed proverbial. The late war made a great change, or rather it aided by direct means that general improvement in the information of the better classes of society, which had long been increasing. Yet all that has been attempted has effected but little, compared with what is wanted; though we trust, at least, that what has been done has served to prove the necessity of knowledge of various kinds, to officers in every situation, and thus taken the chief part of our argument out of our hands. It must surely now be seen that science is widely engaged in the successful conduct of armies, while we cannot afford space to enter on these details. How very much, in many departments, as in the artillery, for example, the engineers, and so forth, it concerns even the common people, is an exceedingly obvious position; and here we may be permitted to say, by the way, that we expect much advantage from the new propositions and plans as to the education of the people, in this very respect; and that the army and navy will be materially indebted hereafter for good seamen and good soldiers to that new system of education for the people which has been so thoughtlessly opposed, even by those who will be among the first to profit by it.

The profession of the Law, somewhat like that of legislation, is one that seems to have especially considered itself as exempt from the necessity of acquiring any other knowledge than that of terms and reports, and which has assuredly bestowed no attention on science; excusing itself on the plea of its otherwise laborious duties and want of time. We might name a splendid exception, to prove that it was not unattainable and not useless; but we have some doubt if we could find more than that one. Yet what is the business of a lawyer? He must defend questions of science, and investigate at least facts, if not principles. How this is done, let lawyers answer; or let the suitors say, who have had causes on patents, causes on canals and docks, cases of injunctions and inventions, and much more that we need not enumerate. Or let those physicians say, who have watched the progress even of criminal causes, where medical or chemical knowledge was necessary, or where themselves were subjected

to cross examination. On this point alone, what we might communicate is most important; but, like much more, we must pass it by.

If such is the lawyer, what is the judge, and what the jury in such cases? We have been overwhelmed with astonishment at decisions which we have seen and read; when and where we must not even insinuate, lest our own science should meet with little respect from a judge and a jury. If there can be no correct and just legislation on questions of science without a knowledge of that, there can neither be correctness of legal procedure, nor any certainty of justice. And the fact is too true and too common: good intentions, but wrong judgments, and these arising from want of knowledge; and that the knowledge which we desire to see established and spread; and that, finally, the knowledge which is neglected, despised, oppressed, and rejected, and ridiculed.

Surely all this is very serious; and there are many men in England who know that it is so. No one probably knows it better than the writer of the little book which formed the title of our article on the Education of the People, and no man but he should have written what we have here been doing, thus hastily and slightly. We, at least, cannot imagine a capable judge in a scientific cause, without science, be the jury as able and as special as it may; nor can we conceive a counsel capable of conducting such a cause, without even a degree of knowledge which would constitute him such a man of science as is the extraordinary person to whom we have here alluded. Fortunately for the suitors, the ignorance is equal on both sides, so that the decision may at least be as fair as that of the judge Bridoye.

We presume that we shall be expected to pass over the Medical profession, because it is one which has managed, through various causes, and chiefly through a sort of tradition or prejudice on the part of society, to obtain the reputation of science. We are sorry to be told that it is an unfounded one, in every sense; and it is not believed by those who are competent judges of this subject, that, taking the entire profession in all its departments, it contains a larger proportion of men so educated than any other equivalent branch of society. The very great majority possess no knowledge whatever beyond their immediate trade or art; and even in the highest branch, the number of men even moderately acquainted with science, or with any thing beyond their own immediate subject, is said to be very minute indeed. And if this is true of the mathematical

sciences, or of those generally which are not strictly relevant to a sound knowledge of physic, so is it the fact as to chemistry and botany, the especial sciences which may be fairly considered as portions of the medical one, rather than separate branches of knowledge. We refer to professional writers of well-known reputation for the assertion, that, although pharmacy cannot be practised, nor even many prescriptions correctly written, without chemical knowledge, there are not, even among the physicians of London, half a dozen chemists, perhaps not two, who really deserve the name: while the greater number are utterly ignorant of Chemistry.

But the strongest proof of all, to a man of real knowledge at least, that what we have here said is the fact, will be found in medical writings; and of this any man of general science and literature can judge. The subjects of which these treat, though forming a branch of natural history, in reality, or of science, most rigidly speaking, are discussed in such a manner as they might have been in the days of Hippocrates and Aristotle, or in those of the schoolmen. There is no attempt at a true and sound logic, no analysis of evidence, no evidence, we might almost say, no generalization of facts, no deduction of analogies; not one thing, or proceeding, which should mark scientific writings or the productions of men of science. The Baconian philosophy seems never to have reached them; and physic still promulgates its dogmas as it did ten centuries ago; hypotheses as crude and as useless to all purposes of sound philosophy as were those of the days of Paracelsus.

If the writers to whom we refer for these opinions, offer to bring proofs in abundance that what we have here said after them is true, we cannot be required to say that it is impossible to practise or to understand physic without science without a very universal scientific education, and an accurate and familiar knowledge of all the sciences. This is the want whence we are deficient in real Physicians, as is asserted by medical writers themselves. They have abundance of medical knowledge, it is not denied; but such knowledge is but a better kind of empiricism, thus standing unsupported; nor will any thing but habits of scientific investigation and reasoning, added to an intimate and wide knowledge of the individual sciences themselves, ever enable a physician to do justice to his profession and his patients, or to proceed correctly in that which never was nor can be justly conducted in this empirical manner; since almost every case that ever existed is a special and separate one, requiring its own separate train of observations, analysis, and reasoning; not one

of a multitude to be treated through receipts or fixed rules, or by the application of antidotes through the easy road of names and terms.

Thus have we gone through the higher professions or departments of active life, with the exception of those persons whom we had at first thought of excepting—viz. the Clergy.

We were wrong; for, however the opinion may be rooted in the public mind, that mere learning is sufficient for the clerical profession, we cannot coincide with them in this belief; and if we feared that we should find our attempt to shew the reverse useless, we believe that the difficulty will be no greater in this case than in the entire question, since we have scarcely written a line without more or less of the despairing impression that we are writing to deaf ears.

What the professional education and learning of the clergy are, we need not say; nor do we mean to doubt that they are a well-educated body as far as the views respecting the kind or quality of their education have as yet extended. It is sufficient for us to remark that this education does not include any physical science, nor any moral one but that which, without taking any general name for it, we will consider as including metaphysics and moral philosophy. We need scarcely notice the scholastic logic, out of fashion as it now is.

Now there appear to us many general reasons, and some special ones, why the clergy should receive some general scientific education, and also acquire some specific branches for specific ends; ends which may be viewed as of a professional cast, if not to them professional. That the physical sciences form the best discipline in useful practical logic, we cannot doubt, though we refuse the same power to abstract mathematics; customary as it is to attribute to these a virtue which we could easily prove, were this the place for it, that they do not possess. But we need not again say, that if the pursuit of general knowledge and of the sciences possesses that power in enlarging and strengthening the mental faculties which we have elsewhere demonstrated, and which is never the result of mere literary pursuits, far less of languages, the same reasons which apply to all classes, apply equally to the clergy; while, if it is further true that the narrowness of views, and the prejudices which are the produce of an education and of habits, with them peculiarly monastic, are, with them also increased by their peculiar profession, and by a long-descended train of prejudices more ancient, there are additional reasons why we should use this, or any expedient, to correct this evil, and to diminish a certain set

of feelings, belonging to a kind of *esprit de corps*, which have been supposed to distinguish even our own liberal clergy.

But, if we take a parish priest, for the purpose of rendering our remarks more tangible, we shall find that he exerts many functions, sometimes officially, at others from charity, kindness, or the desire of being useful, in which scientific knowledge, even approaching to professional, is extremely valuable, or even indispensable. And where we do actually see many good and worthy men exerting themselves usefully and ardently in these duties of charity, we need scarcely appeal to themselves as to the expediency or propriety of qualifying themselves by a fitting education to perform well what they do undertake. If, indeed, generally only, we were to remind our readers of what is the fact, that in many country parishes the vicar or curate is the only man of education, the only gentleman we may say, the friend, the adviser, the patron, almost the king of his little and ignorant circle, we could not use a stronger argument to shew that he ought to be a person of very general or universal attainments; while we cannot conceive a possible situation in life, where more real good can be effected, than by a man so endowed; adding a kind heart and a Christian spirit to the knowledge which we are here recommending.

And if this beautiful character has been the frequent subject of poetry and romance, it is by no means the ideal one which this kind of abuse has caused it to be esteemed by those unacquainted with the clergy of England, especially in the country. Such a parish priest is often the physician, often, at least, capable of doing much good, by attention to the health of his flock, and by a prudent administration of medicines. In him, also, a general knowledge of the laws may often be of essential use, in settling disputes and checking litigation, or in keeping within bounds that too frequent pest of country towns and villages, a pettifogging attorney; as he may also become useful with respect to the making of wills and other questions of property; economizing, by very trifling exertions, the money of those who have seldom much to spare. And as, further, it is his frequent lot to be elected a local magistrate, we need scarcely point out the advantages which he must derive from somewhat more of legal knowledge than he could acquire from an incidental and special reference to Burn. It is not less easy to see that a knowledge of the principles and practices of agriculture, and of those mechanical arts or sciences which are concerned in rural economy, including even architecture and such portions of civil engineering as are often in demand in the country, must often,

in him, be of essential use to the more ignorant people under his charge; while, especially, it is to the influence of a man of such attainments and character, that we must look for what it is commonly so difficult to induce the ignorant to adopt, improvements, namely, in the arts which they have received from their forefathers, and which they defend with proportional obstinacy.

We need not detail what are the studies which would render a parish priest that competent and valuable person which so many strive to be, and which we would most gladly see in every parish in Britain; but there is one science, the acquisition of which we consider as being truly a duty on the part of such a person, and, if not actually professional or spiritual knowledge, yet next to it in importance, while really indispensable to the due exercise of the first of the Christian virtues, charity. We allude to political economy; and are most sincerely rejoiced to find that it has become an object of attention at Oxford, while we trust it will not fall into that state of sleep which has been the fate of so many other foundations. Economists need not be told of the enormous, and now often incorrigible, evils which have been produced from ignorance of this valuable science, in all matters where charity has been concerned; while even a very slender enumeration of these would fill some of our pages. Nor need they be told of the almost insuperable prejudices still existing on this subject, and still daily productive of similar evils; while, unfortunately, being backed by feelings, *sentiment*, and false views of religion, as they are based on ignorance, they remain deaf to the plainest demonstrations and the most tangible and daily experience.

In this case, the parish priest is, almost alone, the person who may have it in his power to correct the false judgments of the public, while it is, first, obviously necessary that he should correct his own, by a due study of this science. From him especially, proper notions of such matters would come with a weight which they will scarcely ever carry from any one else; while, further, he is the person with whom regulation, exertion, application, or at least advice, on these subjects will chiefly lie. But there is far more than that which belongs to charity, in which a competent knowledge of political economy on the part of the clergy of England would prove of most essential benefit to the community every where, in towns as in the country. We cannot venture to take room for all this; but if we merely allude to the leading questions of wages, poor-rates, marriage, and so forth, it will be a sufficient hint as to what we mean. And we have always thought that, while the peculiar position, character, and office, of the English clergy would enable them to do what can

scarcely be done by any one else for the instruction of the people in these most important matters, so there could not be any impropriety in making them the subjects of instructive discourses from the pulpit, which an ingenious man might easily effect without departing too far from the dignity, reserve, or style, essential to that place.

But, before we end, respecting a profession as to which our remarks have extended somewhat far, while we might have added to them this general one, that the acquisition of the sciences would even be a private advantage, as a mere occupation of time for those who are sometimes suffering through want of employment, we must point out one reason for extending such kinds of education to the clergy, which is even more weighty than all we have yet said.

In a former paper on Education, we have shown that this is a species of monopoly in the hands of the clergy; and that, whether under public or private tuition, and perhaps most strikingly under the latter, if the only attempt at education consists in teaching Greek and Latin, it is not simply because of the habits and prejudices of England on this subject, or because of a routine following of the monastic system of the schools and universities, but chiefly because those teachers are themselves uneducated in any thing else. Having learned Latin and Greek only, they are in reality incapable of teaching any thing else to their pupils; while being ignorant of aught but these dead languages, they have further learned to hold the sciences in contempt, or else to consider them as useless, or as unfitted to form what is considered an useful or a liberal education. Hence nothing further is gained from private tuition than from the public establishments; and the system, founded by them, and maintained through their perseverance in ancient habits, is confirmed and extended so as to command and direct all opinions.

This, then, is one of the great causes which render the introduction of a scientific education, or of systems of this nature among the better classes, we may nearly say all classes, almost impossible. It is not only that the habits and the prejudices are all in favour of the one side and opposed to the other, but that there are absolutely no teachers to be procured: or rather, to state the fact justly, that there are no teachers of this kind of knowledge among those who have undertaken the profession of teachers, and are looked up to as the exclusive ones; teachers, of established and immovable rights, a kind of publicly-chartered monopolists. In reality, there is no want of scientific teachers; or, at least, England would in six months produce more than

enough to satisfy the greatest demand that could be made. But, as long as the clergy are considered as the only persons fitted to educate our youth, it is in vain that such men exist; or that Britain, in spite of all obstacles and opposition, overflows with men of science: they are as if they existed not.

As long, therefore, as the clergy are to possess the monopoly of education, public and private, and as long as they are not to cultivate the sciences, or *knowledge*, it will be impossible, or at least very difficult, to diffuse widely through England, scientific knowledge, or education in the sciences. And there are but two remedies: the one to dismiss the clergy from these offices, and the other, to induce or compel them to acquire the requisite kinds of knowledge. The former remedy is difficult, and perhaps inexpedient: to a great degree, indeed, we must admit it to be impossible, for various obvious reasons, besides an habitual and popular prejudice in their favour, and a general impression, however unjust in reality, that the religion and morals of pupils are cultivated in these hands alone, and would be neglected in all others. And really, if education, as a profession, is to be allotted to any specific class of men in society, we do not know how it could be better placed; partly from the general respectability of the individuals, and the gravity and sobriety of the clerical character, partly from those professional studies which ought to render them the best guardians and teachers of morals, partly from their especial leisure, and lastly, from the want of a sufficient mass of recompense or revenue in the total of church preferment and property, for those who are bound to maintain a certain station in society, and who have expended much money and time in studies that bring them an inadequate remuneration.

What then remains for the ends which we here have in view but to induce the clergy of our country to pursue, during the course of their own education, those studies, the value of which to themselves, personally, we hope we have demonstrated? and thus to qualify themselves for conducting those systems of scientific education, whether in public or in private, the value, the indispensable nature, of which, we trust we have shewn, and which are indeed beginning to be more and more imperiously called for every day. No one would then envy them the monopoly of the education of the country: on the contrary, we verily believe that they would shortly exclude all other competitors; competitors who have arisen out of the mere wants of the country and exigencies of the case, and who, in very many, even vulgarly-known instances, amounting indeed to whole masses of men, are absolutely unfit for the duties which

they have undertaken. Thus would the entire body of the clergy secure to themselves an extended and valuable estate; and with this last argument, *ad crumenam,* we shall conclude what we had undertaken to say as to this department of general society.

If we next undertake, as a species of general mass, to name Merchants and Manufacturers, the cases under this great division are so specific, that almost every separate trade would demand a separate and special reason for itself. For this we have no room: and therefore we must content ourselves with observing, generally, how science must be availing to these classes, and how an education of this quality cannot fail to be no less valuable to them than it appears to us indispensable.

The infinite occupations of merchants, and the endless substances with which they are concerned, are almost all under the influence of science in some shape, or else rigidly and absolutely appertaining to it. Natural history, at large, with botany, include much of the very articles in which they deal; as the general branches of Physics include many circumstances in their proceedings and speculations. Chemistry scarcely regards them less; and full often must they have recourse to professed chemists for what they ought to know; much more frequently neglecting what they seldom neglect without suffering for it. He who, as a man of science, has ever accustomed himself to consider these affairs, could easily give details on this subject which would fill more than one of our pages. And when we come to look at their deep concerns in architecture, or in buildings and engineering, in docks, wharfs, canals, machinery, and what not, and in ships, with all their materials and management, it would be difficult to find a profession where scientific knowledge of various kinds is in more constant requisition, and where, from the necessity of trusting to the incompetent, the ignorant, or the fraudful, or else from neglecting to consult and trust any one, greater losses and inconveniences are experienced. Even further, the merchant who does receive an education in the great establishments for that purpose, wastes his time as others do, in the languages which must be useless to him; while, even in languages, he neglects those, without which his business cannot be conducted, and for which he must hire interpreters and clerks. Would it not be more expedient also, that he should become that adept in figures, which is the result of an education in mathematics and algebra, than that he should know Greek, even did he acquire Greek? Geography is a branch of scientific education; and who can be much more interested in even the most accurate knowledge of it, than a great merchant?

The knowledge required by a real and able merchant, is little suspected by those who know of him only that he keeps a large counting-house, and deals to a great amount; and of that knowledge, geography, taken in its most extensive sense, as including the natural history of countries, the physical, and also the political, and even the moral, geography, if we may coin such a phrase, stands among the foremost: while, could we afford room for illustrations of this nature, we might easily shew its specific uses. But, having already indulged so much in detail, we must proceed.

With respect to manufacturers, of whatever nature, they are rigidly men of science, or at least they ought to be such. It is through science that they work, that they become rich, or, as it may happen, the reverse. Every manufacturer in existence is interested in chemistry, or in mechanics, or in both; and often in much more appertaining to the several branches of natural history. It is their very trade to conduct works on scientific principles, and through scientific knowledge; if they improve, it is through science, as their very works have been founded on science; and when they lose, and waste, and expend fruitlessly, it is the very common result of scientific ignorance.

Yet these very men are often ignorant, do not desire to be informed, and too often despise the very knowledge by which they exist, under the vulgar and misapplied term Theory. They borrow from science without knowing it; and their very business is to put a theory into practice. How they borrow, by what means they succeed, under what errors they fail, we have already suggested in our former article on the education of the people, where this particular illustration was wanted for our purpose; and we shall, therefore, pass from this class, after once more expressing our wonder, our inexplicable astonishment, that scientific education should not be imparted to those persons, that they should, most generally, we might say almost universally, not themselves desire and pursue it, that if they learn any thing it is Latin, and that, not learning this, they learn nothing but to read, write, and cypher.

If, with these remarks, we may terminate the little which we could venture to say on the more defined active departments of society, we should be wrong were we entirely to omit noticing the agricultural division; to insinuate how utterly science, in all its branches, is neglected by professional cultivators of the soil, as it is by that vague and undefined division of the people called country gentlemen, and how decidedly the consequences of this neglect are evil. We must not, therefore, pass these two classes without some sort of notice.

It ought to be obvious, in the first place, that if agriculture has not yet much profited by chemical science, there must be a connection between them, of which the real nature and value will be discovered at some future day. To say that this has yet appeared, would be untrue; as we can but treat with neglect or contempt what has hitherto been proposed or written on this subject; and, perhaps most of all, such shallow and deceptive compilations as that of the highest repute on this particular question. But putting this out of the present view, the dependence which an agriculturist and his various operations have on natural history, on mechanics, on engineering, and architecture, under multifarious applications, are sufficient to evince the value of a knowledge which would very frequently be called into use, to the great saving of error and expense, as of the hiring of professors in various objects, such as drainage, embankment, wood-measuring, building, land-measuring, and so forth; not often very competent to what they undertake; always the cause of great or superfluous expenses, and, not seldom, of fraud, deception, vexation, and loss. Not seldom, also, does all this ignorance, under various modes, lead to the employment of agents and attornies, as well as of professed men of science, who are, too often, the very leeches and locusts of property, sucking out the blood and eating up the vitals; when even a very small degree of knowledge in all that which it is our object to recommend and enforce would have avoided all this advice and agency, and saved all this evil and expense.

The same remarks apply generally to the idle proprietors of land, or to country gentlemen, as they are called; and, in some points, more extensively, and under more varieties. Independently of all their agricultural concerns, of all that relates to mere land or its produce, whether as it refers to the several objects which we have just noticed, or to others which we shall pass without remark, it is often their fate to be concerned with quarries and mines, with roads, with bridges, and with endless other works, sometimes of a private nature, and sometimes public, and therefore affecting them only as agents or trustees, or philosophers, for the public, not as engaged under their own private interests.

Here, these persons can scarcely move one step for want of knowledge, and of that knowledge which they have not attained and have been taught to despise. There is, perhaps, not a mere country gentleman in England breathing, who possesses any real or solid knowledge on any one thing in which he is most deeply interested, and on which his wealth and revenue depend. If

his property consists in a coal mine, he is ignorant of its nature as of its value, and ignorant of the means of working it. He is, perhaps, defrauded by his agents, his lessees, his workmen, by every body; or he is induced to undertake works of various kinds, under a regulated system of fraud, as well known as it is common, and the source of a livelihood to many persons, in many ways, which we could detail in great minuteness if we had space to bestow on it.

Thus also it is for ordinary mining: while the frauds here committed upon proprietors would almost exceed belief, were they not well established, and were it not familiar that some very large fortunes in this country have thus been accumulated by common miners. And if we recollect the great property in quarries, requiring science to regulate and conduct, and always misconducted or carried on at a superfluous expense, it is easy to imagine what are the losses proceeding from want of science in those persons, and what would be the value of it to them. Nor let it be forgotten that, in these cases, property is very often concealed from every eye but that of science, and that, in thousands of instances, it has lain dormant for years, as it may still, for these reasons, be lying. It is easy to say that the proprietor will employ an investigator; but the fact is, that investigators are not so employed, since the expense of a speculation is always an obvious check, as indolence and incredulity may be to others; and that thus such things remain unexamined by competent men, while even the examination may be a cause of great expense, and of what may prove pure loss.

We might have said much more in similar detail, to illustrate our proposition, as to private property; but we should be wrong to pass by this particular subject without some remarks on the same ignorance in the same persons, in the cases where the public is concerned.

A commissioner of sewers or a trustee of roads is a standing jest; and such are all the persons or officers who manage the affairs of parishes and counties, of whatever nature, extending to watch-houses, paving, lighting, and all other such vulgar matters as we need not, perhaps, detail. Can any one be ignorant of the often marvellous misconduct of all those persons, and of the frequent errors in all the matters under their charge? of the blunders, the expense, the frauds, the failures, the every thing which forms such a perpetual source of annoyance and vexation, and waste, and law, and contest, and disappointment. If a bridge, if a county jail, if a road or an embankment costs ten times what it ought to have done, the cause must be sought

in the ignorance of country gentlemen, in their ignorance of science, in their want of education. The work is badly planned or badly executed; the architect, perhaps, defrauds them, as it is notorious that architects have done, because they are ignorant. A parish church is repaired at a great expense, often when not requiring that, because the churchwardens, who are masons and carpenters, have an interest in the repairs, and because those whose duty it is to check them are ignorant of the subject under discussion. Or a cathedral goes to ruin, or is deformed by the reparations, because the dean and chapter are ignorant of something, or of every thing, which appertains to the public property under their charge, and especially wanting in that species of knowledge without which the very duty assigned to them cannot be effectually executed.

If we omitted to notice a knowledge of art, an education in the principles of architecture, both as geometers and men of taste, when inculcating a different mode of education for the clergy, we do think that it deserves attention, when we consider the vast extent, value, and beauty, of the buildings committed to their charge, all over the country; buildings also, which, while they may be, and often are, ruined, or at least deformed, through the ignorance of their guardians, can never be replaced. And where every clergyman may rise to the rank which will lay this responsibility on him, is it not a grievous sin in our universities that they do not even pretend to inculcate the principles of architecture, nay, not those even of common drawing? The Chapters ought not to be endowed with a power which they know not how to administer, and so often administer for evil; or if it must remain with them, it is the bounden duty (to borrow one of their own phrases) of the universities to render these officers competent to the heavy charge intrusted to them.

It was not so always; nor would the Chapters have originally been thus trusted, had they not been what we know they were and must have been in those early times, architects, and mathematicians, and artists, men of taste, and men of science. They were clergy then: and why should that which was fitting or indispensable for a clergyman then, not be so now? They retrograde instead of advancing; and seem determined to adhere to the system of retrogradation and ignorance. Well may we lament the day when this system of ignorance first became that of the dignified clergy; for, assuredly, had all chapters possessed the knowledge of those men who erected what their successors have suffered to go to decay or to be barbarized by ignorance, we should not now have to lament, almost to weep over, the

destruction of so much of this incomparable architecture, the pride of England, the pride of art, but the pride now, in a far other sense, of chapters and deans glorying in nothing else than the command, or the powers of exclusion, or profit thence arising.

But we might never end on all this: though before we part from it, let us for a moment note one question intimately concerning that class, the country gentlemen, though not very strictly and exclusively a matter of science, since it also concerns taste. On that subject indeed, or on the necessity of education in art as well as in science, we feel that we might easily have said as much more as we have done, while we hold the neglect in this department of education to be so equally great and so injurious, that we should be very glad, at some future day, to bestow a separate article on it.

The principal objects here concerned are architecture, and the disposal of ornamental grounds; generally a matter of mere private concernment, but, in the former case, sometimes affecting the public. Here we find the same ignorance in art as we have already noticed in science, and the consequences are similar. These are, the applying to professors or pretenders, as often ignorant and fraudful as they are informed and honest, to do what it is a disgrace for any man not to have been able to effect for himself: the consequences being, often, great expense and more vexatious failure, the production of deformity, of which the entire of England now displays, if we may believe Mr. Uvedale Price, the most grinding examples from the hands of that most grievous burthen which England ever bore, the gardener Brown, and of some others of less fame and note.

The truth is, that were there no other advantageous results, science and taste both are economical qualities, as we remarked before of the former, and therefore the more worthy of the attention of a mercantile people. They constitute saving knowledge. The frauds in architecture, or in the management and repairs of houses generally, to go no further than this, are perfectly enormous; and they are the darings of dishonesty against ignorance. It is the same for every thing else. A grain of knowledge on the part of an employer would enable him to do that which he must pay for with pounds of gold. Had such a man spent even thousands on science and art where he has spent but hundreds on latin, he would often have repaid it a hundred fold. Yet he will not learn all this, his parents will not let him learn it, his universities and schools despise and oppose it, and his tutor is not competent to the difference between

a turnpike road and a common sewer, or between a threshing-machine and a county jail.

But we must end, at least with our illustrations. If what we have said is not sufficient to demonstrate the universal utility and necessity of science, we know not how that can ever be proved. If we could have written at ten times the length and with ten times the demonstration, what could we hope to effect, if we have not effected it by what we have said? We have proved that scientific knowledge is not only useful but indispensable: ornamental, economical, profitable, creditable, possessed of every quality which can recommend it to the attention of at least the rising generation, if the risen one will not profit by it and by our remarks. We have formerly not only proved, that Latin and Greek are comparatively useless, but asked, even allowing them to be useful, why they should monopolize *all* our time and care; and we have not been answered, and cannot be answered. We have desired that scientific education should at least take its share, and it is really all that we do desire; a share proportioned to its utility, and to be arranged for each class of society: while we have now attempted to show to what departments of society it is necessary.

We can do no more, or at least we shall attempt to do no more at present. It has been our object, in a former article, to point out, that education of this nature, being what *we* consider education, is useful and necessary to the lower classes; and, in the present one, we have attempted to shew that it is not less necessary to the upper: while, if we have been almost limited ourselves to pure science, almost to the physical sciences, it is because, although we commenced with knowledge at large, excluding learning, we could not attempt, in one paper, to investigate the whole of this wide subject. And if we have, on sundry occasions, here referred to that article, while we have caused the present to succeed it, even with some apprehension of appearing tedious, it is because we think, as well as hope, that the attempt to educate the lower classes, the means of educating them, and the consequences which will follow, in the way of examples or otherwise, from their education, will have the effect of stimulating the upper ones, and of turning their attention to what they have so greatly and injuriously neglected. The general diffusion of such opinions and such attempts will, we think, have a good effect in this way; a sort of rivalry which cannot fail to arise, even between the upper and lower ranks, will not be powerless; and not to mark all that might be said, we cannot avoid concluding, that the ultimate consequences

will be, though the time may as yet be remote, to reform the entire system of education in England, and to make the period of our youth and industry a period of real learning, and not of that which has so long, and so fruitlessly and mischievously, usurped its place.

We indeed discern the marks of this already in our universities; and, really, if we could flatter ourselves that the next twenty years would add as much more to their former systems, and alter as much in the general feeling of the learners or the people at large as the last twenty have done, the day would not be exceedingly distant when the entire education of this country will put on a far different aspect from what it has hitherto possessed: nor shall we have written in vain.

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ART. IV.—*A Sermon in Grateful Commemoration of the Repeal of the Sacramental Test.* Preached in New Court, Carey Street, May 18, 1828. By Robert Winter, D. D. London. Black and Co.

IT is our pleasant task, instead of having occasion to continue the argument in our last Number, on behalf of the claims of the Dissenters, now to congratulate them on the Repeal of the Corporation and Test Acts. And we do congratulate them most heartily: their spirited effort has had a splendid, but a well-merited recompence: by an unusual combination of moderation and energy they have achieved an important victory, with a celerity which it was utterly impossible to anticipate; and may they wear the laurel as consistently and honourably as they have won it! They will not quarrel with us for that wish; it is expressed in friendly confidence and sanguine hope; but it is necessary and expedient to express it; for their work and ours, as the advocates of universal religious liberty, is rather just commencing (however brilliant the commencement may be), than brought to a final and satisfactory conclusion. They have proved their strength, and their success is an indication of the post they ought to occupy in the great contest with intolerant legislation, and not a warrant for their disbanding themselves amid acclamations and rejoicings for their triumph.

The victory is an important one in every point of view. As to the particular interests of the petitioners it is complete. They stated a definite grievance, and that grievance is redressed. They complained that, as Dissenters, they were by law excluded from all places of honour and emolument under the Crown, or in Corporations; and they are so excluded no longer. The stigma of ineligibility, in as far as they are concerned, is erased

from the Statute-book, and the law no longer knows any difference between the Churchman and the Protestant Dissenter. They will neither have to enter office by connivance, nor to retire from it under the shelter of an Indemnity bill. They take no oath, make no declaration, but what must also be taken and made by the most orthodox in doctrine and the most exalted in condition. They have raised themselves to the level of the Conformists, and rightly term the Act which has recently passed "the Charter of Dissenting Emancipation."

So far as the Episcopal Church of this country claims to be a religious and Christian body, it must also claim a title to joy and exultation on this occasion. The triumph of the Dissenters is a triumph, not over the Church (in its spiritual capacity) but for the Church. Nonconformists were not, in fact, kept out of office by the Sacramental Test, but allowed to approach it, provided they did not scruple to abuse what the Church holds most sacred; its own ministers being obliged to officiate at the profanation. Never was a clergy placed in so degrading a position. The sacrament desecrated; not even the infidel excluded; and the priest and teacher held up to scorn as one who sacrificed the spiritual for the temporal, and gained not even that unworthy object. Now, the ceremony is reserved for those who reverence it; and political influence is accompanied by such a pledge for the mode of its exercise as the heads of the Church deem adequate to the security of its interests. The Repeal Bill is really an act for increasing the respectability of the Church of England.

The Dissenters have fought and won the battle of the public, the nation; for the whole community is deeply interested in the abrogation of political distinctions on account of religious opinions. Every such distinction is a public nuisance, which they who abate deserve well of their country. Every such distinction is the infliction of injustice and the source of irritation; it raises or cherishes particular interests, to be upheld at the expense of the common interest; it diverts attention from the mental and moral qualities which should recommend a man to a station of trust, and inquires into his theological opinions; it tends to fill society with bickerings, and cover the land with petty oppressions and vexations; and it operates as a constant and exhaustless bounty for hypocrisy. The Dissenters have earned the thanks of all who care less about the temporalities of a sect than the welfare of their country.

It is honourable to the Dissenters that, both in their petitions and in their rejoicings, the repeal of the Test Act has, to a very considerable extent, been contemplated rather as an approxima-

tion of the law towards the recognition of universal religious liberty, than as a measure for the advantage of the particular sects included in that body. This fact encourages the expectation of far more extensive and beneficial changes than the one which has just been realized, in the state of the law, and in the public opinion and feeling.

The Nonconformist is not necessarily the friend of religious liberty: nay, he may rank amongst its most determined enemies. A man may secede from the cathedral, because there he is nobody, and repair to the barn, because there he is somebody. He may renounce the infallibility of the Pope, simply because he believes in his own infallibility. Any one of a thousand things in the doctrine, discipline, or worship of the establishment may so annoy him as to drive him from his parish church to find peace, rest, and comfort, for his soul in the meeting-house.

The actual causes of dissent are innumerable; and there are too many which are not at all inconsistent with either theoretical or practical intolerance; with the disposition to keep out of civil rights and social enjoyments those who do not believe as they believe, or, at least, say as they say. The Dissenter becomes so because he deems his own faith and forms to be right, and those of the Church to be wrong. He has found the truth; but that very conviction may very probably dispose him, when opportunity offers, to deny the possession of authority, or the enjoyment of freedom to those whom he regards as the apostles of falsehood, perhaps of dangerous and damnable falsehood. He may like the resolution of Cromwell's parliament, that none should sit in that House but "the godly."

Now, while such Nonconformists only resolve to do as they are done by, and meanwhile submit to be done by as they would do; while they succumb to a Test Act which excludes them, only because they lack power to second their will to replace it by a Test Act which should exclude every body else; nothing can be said against their Nonconformist consistency. But when the claim is set up of equal civil rights with the members of the Established Church, the case becomes very different. That church may, and will, with equal decision affirm its own possession, perhaps monopoly, of sacred and saving truth. The Purist, who left its precincts, shaking off the dust from his feet as a testimony against its errors, finds himself charged with heresy and what not; and, as the assertion of a numerous, wealthy, and powerful body is at least as conclusive as that of his own little party; and as the decision, on religious truth or error, is in Scriptures, of which both parties

boast the true interpretation; he must shift his ground or abandon his claims; and he can find no ground to stand upon but that of religious liberty. He must maintain that it is the right of the individual, being for the benefit of the community, to form or adopt the creed, and practise the worship, which he deems true and useful, without being harmed, on that account, in his person or circumstances. But if this plea be valid for himself, it is valid for others, for all. If it be good for the Trinitarian Dissenter, it is good for the Unitarian Dissenter also; if for the Protestant, so also for the Catholic; if for the Christian, so also for the Jew and the Deist.

This ground the Dissenters have occupied. We honour them for it; and all that we and the country expect, or wish at their hands, is, that they will continue to occupy it on behalf of others, since it has so well availed themselves; and that they will not flinch from it till the law of the land knows no distinction whatever between man and man; till it confers no advantage, and inflicts no evil, on account of the belief, profession, or promulgation of any opinions whatever on theological matters.

It is not necessary, nor have we opportunity on the present occasion, to shew how much remains to be done before this most desirable object is accomplished. It is sufficient to name the Roman Catholic, the Jew, the Unbeliever; to advert to the peculiar disabilities of those very respectable people, the Quakers; and to remind the successful Dissenters themselves of the numerous badges of inferiority to the patronized sect which they still bear, and which they are continually made to feel are indications of real servitude.—This is enough to call up the remembrance of a host of evils which, by their avowed principles, and their recent success, the Dissenters are pledged to struggle against; and we call upon them to redeem that pledge.

Our object, in fact, is to add another practical inference, and that most legitimately drawn, to those which the worthy divine, the title of whose Sermon stands at the head of this article, has deduced from the event which he gratefully commemorates. Dr. Winter, who is a highly and deservedly respected preacher, of the Independent denomination, was right in feeling it his duty, as he tells us he did, in his preface to this pious and sensible discourse, promptly to "bring the subject before his Congregation, with a view of exciting their gratitude to God for his great mercy, and of directing them to the most suitable improvement of a blessing poured on our heads, and which our ancestors were desirous to see and hear, but were not able."

He will surely agree with us that to assist others out of the same, or a worse house of bondage, is a "most suitable improvement." It is quite in accordance with the Scriptural injunctions to the Israelites to pity and aid the captive, in the remembrance of their own captivity.

The following paragraph, which almost immediately follows in the Preface, strengthens our impression that we are only following up the aim of our preacher. "To himself, and to a large proportion of Protestant Dissenters, it would have been somewhat more satisfactory, if the Declaration substituted for the Sacramental Test had not been introduced; conceiving that eligibility to civil office should arise rather from character and deportment, than from the avowal of religious opinion." It might, indeed, have been "somewhat more satisfactory" if this objection to the Declaration had been somewhat more strongly expressed. It was an objection which could not fail to occur to Dr. Winter, looking back, as he does, with complacency to "his ancestor and predecessor, the rev. Thomas Bradbury, whose zeal for religion and liberty is justly celebrated;" and who "bore his constant testimony against all penal laws in reference to religion." We rejoice that he felt and has expressed it; and trust that his efforts will not be wanting to induce the whole Dissenting body to bear the constant testimony of his ancestor.

There is a powerful assemblage of motives, some of which we proceed to point out, which should especially influence Protestant Nonconformists, at the present moment, to exert themselves strenuously in the great cause of religious liberty.

They evidently have the power to serve that cause. Their strength has been tried, and found gigantic. It has been but twice put forth, of late years; and in both instances it proved resistless. The first was in the opposition to lord Sidmouth's attempt, in 1811, to interfere with the appointment and privileges of their preachers, when such a storm was raised as neither has been, nor will be, forgotten. The character of the contemplated measure was proclaimed in London; and almost by return of post, from all parts of the country, there came up petitions by hundreds, most of them bearing signatures by hundreds, and breathing a spirit which it required strong nerves to determine upon forcing into continued action. The bill was demolished at once. And all notion of ever restraining the "Liberty of Prophesying," whatever cobblers or tinkers may be called to exercise it, appears to have been abandoned also, as an utterly hopeless undertaking. The regular Dissenters, viz. those of the three denominations, as they are called, Pres-

byterian, Baptist, and Independent, were, on that occasion, reinforced by the Methodists. In the recent struggle, they have had no such help. The Methodist does not alienate himself from the communion of the Church, although he prefers a ministry of his own. Their neutrality has not materially weakened the Dissenting body. The government has been frightened and shamed into the repeal of the Test Act. Expecting trouble enough upon the question of Catholic Emancipation, they dreaded a similar commotion from year to year about the Dissenters. A Nonconformist Association in London, co-operating with the Catholic Association in Dublin, having also its petitions, and its resolutions, and its open debates, and its rent, and its O'Connells and Lawlesses (who would soon have appeared), would have been no very manageable matter. There can be little doubt that the apprehension of some such consequence quickened the perception which many spiritual peers had, so suddenly, of the profane nature of the Sacramental Test. The character of the Church thus became committed to its abrogation. But fear was the first feeling, which the Dissenters have excited for their own interests; and which they can excite for those of others if they be so disposed. They have an influence in the State, which they are under a moral and religious obligation to exert for the welfare of the State. In the present imperfect state of religious liberty, their quiescence is criminal. They are responsible for its extension. They have shewn what they can do, and therefore what they ought to do.

Their long inertness ought to be a further stimulus to exertion. For upwards of thirty years, the opposition to lord Sidmouth's bill was the only indication which they gave of any general attachment to the principles of religious liberty, or any desire that the country should have the benefit of the practical adoption of those principles. This is a heavy account to balance. Is it not reasonable that they should pay up their arrears? Whatever might be the reasons for their silence, those reasons exist no longer. They have spoken out; their own chains have fallen; and that voice should be raised again for those who are yet in fetters.

There are several circumstances which should make the Dissenters particularly averse from silence on questions involving the principles by which alone their own claim to the full rights of citizenship can be made out. A generous mind would much rather bear the imputation of indiscreet zeal than of purchased servility. Far be it from us to cast even the shadow of such an imputation on the Dissenters; our argument

is only this; that the circumstances alluded to should excite a wholesome jealousy of their own conduct, and make them require, for their own satisfaction, very clear proof that their activity will not serve others who are injured on account of their opinions, before they resign themselves to quietude. Their preachers are in the annual receipt of public money. The amount is small (we believe about 3,500*l.*); but it is privately distributed; it goes into the hands of a great number of persons, to each of whom his share is an important sum; each of whom is the teacher and head of a congregation, so that though his income be small his influence is considerable; and though it is no longer a *regium donum*, but a parliamentary grant, yet it may be given or withheld at the pleasure of the ministry of the day. It would perhaps be unreasonable to recommend that they should relinquish this grant; it might be censorious to suspect that it had any undue influence upon them; but we do say that it should make them solicitous to be above suspicion. Again, their missionary societies, those immense machines, whose revenues are calculated by tens of thousands of pounds, and whose agents are over all the face of the earth; these societies must have had occasion, in the course of their operations in the colonies and in foreign countries, for various facilities which could only be afforded by those in power; their leading men must have been brought into contact with official persons, asking and obtaining favours. This sort of intercourse is not favourable to political integrity and independence. It may be a duty to seek it where the good of immortal souls is believed to be at stake. It must be a duty to prevent its approximating, even in appearance, towards an unholy barter of the rights of our fellow-citizens at home, for the chance of making proselytes abroad.

Further: the relief which the Dissenters have obtained is not a simple repeal of the laws which excluded them, but is accompanied with a fresh recognition of the principle of exclusion. The Declaration now substituted for the Sacramental Test, that the influence of office shall not be exercised to injure or weaken the Church, or disturb it in what are, or may be, its legal privileges, is as unobjectionable to the Nonconformist as it is really useless to the Church. But this Declaration is to be made "solemnly," "in the presence of God," which will, we presume, exclude the Quaker; and "upon the true faith of a Christian," which must exclude Jews and all other unbelievers; and which may, should the times ever become favourable to further restriction, be construed so as to exclude all who are deemed heretical; though such certainly was not the intention of the

legislature. That danger, however, is so remote, that it is not worth while to advert to it. Nor does it matter to the argument that the other classes are already excluded in other ways, by the Oath of Abjuration for instance, so that they are not, practically, put in a worse condition by this bill. There are cases, we understand, in which the Jews are worse off than before; but let that pass. If there were a dozen enactments of exclusion before, against these different descriptions of persons, there are now thirteen; and the thirteenth is one to which the Dissenter is a party in a much stronger sense than he is to any of the rest. It forms a portion of the grant of his privileges; the decree of the ineligibility of others is interwoven with that of his eligibility; in directing attention to the emblem of his own emancipation, he points to the badge of their continued degradation. This is a position from which he ought to spare no efforts to extricate himself. To real friends of religious liberty it is as painful and mortifying a situation as can well be imagined. Had the repeal bill been offered to the Dissenters for their acceptance, in the form in which it passed, they could not have accepted the boon without a compromise of their principles. We cannot tell why they were silent after the Declaration assumed its present form: perhaps the interval between that and the passing of the bill was too brief to allow of petition or protest; perhaps they acted prudentially, and feared the loss of the bill altogether: however that might be, there stands the intolerant enactment in the very centre of their charter, and they must wash out that spot, or their cause and characters are stained to all generations.

The Roman Catholics have behaved well through this struggle; and by their resolutions, petitions, and publications, have done their best to promote the success of the Dissenters. These services deserve better acknowledgment than occasional mention in a vote of thanks. That tribute has been paid to the Church; although the merit of the Church consists merely in not opposing a measure by which it was sure of losing nothing in point of security, and of gaining much in point of character. Gratitude demands more: a repayment in kind; a demonstration in favour of the Catholic claims, such as the Dissenters have never yet made; and which, whenever they do make it, cannot fail to produce a strong, and perhaps a decisive impression. It is gratifying to observe, in the published resolutions of various bodies of Dissenters, both in London and the country, on the late event, how generally and in how good a spirit, the subject of Catholic Emancipation is referred to. This augurs well; and consistently and spiritedly followed up, the settlement of that stion cannot but be very much accelerated.

The Dissenters have a direct interest in the establishment of the amplest religious liberty: an interest, we mean, not of a gross and temporal description; but that interest which, as religionists, they feel in the promotion of right views and conduct in relation to man's immortal destiny. They must perceive that religious liberty is one of the most powerfully operative causes in the production of religious knowledge. Wherever the truth may be, its advocates will have a more unbiassed hearing, and its evidences a more impartial examination, and there will be less of hostility in the prejudices of its opponents, and its profession will be more incorrupt, and the exhibition of its moral influence will be more illustrious, if there be neither privilege nor penalty, the prospect of emolument, nor the apprehension of injury, the monopoly of political office nor exclusion from the rights of citizenship, connected with the avowal or disavowal of its belief. If the truth and spirit of Christianity be with the Dissenters, for the sake of their promotion, as well as on the broad principle of equal justice, will they determine that, so much as in them lies, no longer shall the Jew be an outlaw, the Catholic a slave, the Deist a prisoner.

Although the occasion has led us to address ourselves to the Dissenters exclusively, yet enough has been said to shew that we do not regard religious liberty as a dissenting question. The members of the Established Church ought to be as earnest in its promotion as those of any merely tolerated, or non-tolerated, communion. As a political question, it deeply involves the prosperity of the country. As a religious question, it deeply involves the honour of Christianity. The Author of the Gospel declared, that he came to proclaim liberty to the captives: he taught, that all his followers, that all mankind, are brethren; and if his doctrine be practically connected with the denial of equal rights to all, there is a monstrous imposition somewhere. Let all true Christians shew that it is not in Christianity itself.

It is fitting to conclude this very plain and faithful, but very friendly, homily to the Nonconformists, with some notice of the means, the ample means, which they possess, for acting efficiently upon its suggestions. The existence and effects of their power have been referred to; and it may be useful just to particularize the modes in which it can be called into exercise. They have hundreds and thousands of pulpits, occupied from week to week by the public teachers of millions. The great object of pulpit oratory is spiritual edification. There cannot be a greater abuse than that of making it the vehicle of party politics. But religious liberty, as has been said, and proved,

again and again, is greatly subservient to spiritual edification. To vindicate it for ourselves; to respect it in others by whom it is possessed; to procure it, if we can, for those from whom it has been wrested, or to whom it is denied; these are moral duties, and their discharge is essential to being perfect in good works. Occasionally, at least, to inculcate and enforce them on his auditory is therefore the bounden duty of the faithful preacher. Dr. Winter has shewn how such topics may be handled in a pious and becoming spirit and manner. Let his reverend brethren do their duty throughout the land; let them preach away the prejudices which make many of their hearers yet regard Catholics with aversion and terror; and consider an Infidel as not fit to be at large, unless with a gag in his mouth; and treat a living Jew as responsible for the murder of the Saviour. Let the subject only bear the same proportion to the whole of their ministrations, that the explicit or implied references to it do to the whole of the New Testament, and the work is done. The laws of the land would cease to be Unchristian.

They have a large and influential portion of the press, of the periodical press; reviews, magazines, newspapers, with a circulation of which the total is immense. So much are they addicted to this sort of reading, that a monthly periodical was established (the Test Act Reporter) solely for the purpose of recording the progress of their recent application to Parliament. The tendency of most of these publications is friendly to religious liberty; and some might be mentioned, but it would perhaps be making an invidious distinction, which have most honourably signalized themselves on various occasions. We can only suggest as an improvement, that the topic might be pursued more systematically, and therefore more efficiently; that the principle of religious liberty might be illustrated more interestingly, and the application made more pointedly, to existing cases. If this were done, it could, we think, scarcely happen again that there should be a numerous and respectable assembly, which would agree unanimously and unhesitatingly to petition the legislature for the repeal of all civil distinctions, on account of religious opinions, and which yet could never be induced either to petition, or make any public declaration, directly and avowedly in favour of Roman Catholics.

Three millions of people, belonging chiefly, as the Nonconformists do, to the middle ranks of society, must have even a larger share than their numbers indicate, of the elective franchise of the country. There were not wanting writers among them, who pointed out the course which they should, and which, in all pro-

bability, they would, have adopted in the event of a general election taking place before the final decision upon their claims. Nor can it be doubted that apprehension of the manner in which their votes may be given on a future occasion, had its effect upon that decision. Their known and general determination only to support such candidates for seats in the House of Commons as will pledge themselves to carry forward towards complete practical adoption, the broad principle of religious liberty would have a speedy, an obvious, and an extensive, influence upon the proceedings of that House.

The petitions for the repeal of the Test act would, if unsuccessful this session, have been renewed from year to year, until their object was attained. Why should not the Dissenters do for others, whose case, if not exactly similar, only differs in being one of more aggravated hardship, that which they were prepared to do for themselves? Why should they not, from year to year, endeavour to petition the exclusive principle out of British legislation? Pledged as they are by their recent professions and proceedings, to the justice, the desirableness, the practicability, of placing all classes of religionists upon the same footing as to civil rights, and to general and reiterated petitioning as the best mode of accomplishing that end, they have, in consistency, but one path before them. Nor can they need, it is to be hoped, the additional stimulus to this honourable course, which is furnished by the fact, that some obscure bigots of their number have at intervals presented petitions of an opposite tendency, and even shewn a disposition to be contented with their own fetters, provided the heavier links of the same chain did but continue to bind the Catholics.

Most of the great public objects which men have at heart, they associate themselves to accomplish. The Dissenters know well, and have successfully employed, this power, for various purposes, religious and civil. Thus have their schemes of proselytism, at home and abroad, been carried on to so wonderful an extent. Their principal congregations in London and its neighbourhood annually appoint deputies to watch over their civil rights. The "Protestant Society for the Protection of Religious Liberty" is chiefly supported and managed by Dissenters. But the attention of "the Deputies" is restricted to the civil rights of their constituents of "the three denominations;" and the business of the "Protestant Society" is to prevent illegal oppressions. There is no combination for improving the law itself; no society for the express purpose of ascertaining and exhibiting the extent to which our legislation has deviated from the principle of religious liberty; and of guiding the public

mind into the safest course for rendering that principle paramount. Some talk there has recently been, of forming such an association: and if established, it might prove an incalculable blessing to the community. It should contemplate the complete removal of every civil inequality on account of religious opinions; and in its support should all classes be united, from the Roman Catholic to the Deist, including all the intermediate grades of the established and the tolerated, the sound and the heretical. The Dissenters ought not to wait for its formation by others, and then gradually and hesitatingly drop into its ranks; they should sound a gathering to the friends of religious liberty of all denominations, and secure immediately the organization of an active and efficient Committee, to exist till the last intolerant clause in the Statute-book ceases to exist. It may be very long before this great object can be realized; but along with it there will be, indirectly, the gradual accomplishment of an object as great, namely, the softening of controversial asperities, and the removal of theological animosities. How gloriously would the Dissenters celebrate their recent victory, were they to provide for its eternal commemoration, by laying the foundation-stone of such a Temple of Liberty and Charity!

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ART. V.—1. *First Report from the Select Committee of the House of Commons, on the Laws respecting Friendly Societies, July*, 1825.

2. *Second Report on the same subject, June*, 1827.

3. *A Treatise on Benefit or Friendly Societies, containing a Statement of Laws respecting these Institutions; the probabilities of Sickness, Mortality, Births, and other Casualties; with practical Instructions for the Formation of Rates, and their general Management. Read before the Mathematical Society of London*, by James Mitchell, LL. D. F. S. A. E. Richardson.

4. *A View of the Rise and Progress of the Equitable Society, and of the Causes which have contributed to its Success. To which are added, Remarks on some of the late Misrepresentations respecting the Rules and Practice of the Society.* By W. Morgan, F. R. S. Actuary to the Equitable Society.

AMONG the most important duties of a government intent upon the accomplishment of what some writers have stated to be its chief end, "security for the full enjoyment of life and property," we should include the attainment of means to enable the community to provide, at the least expense, against the casualties of sickness and mortality; and to avert or dissipate those attendant evils by the apprehension of which life is

embittered and impaired. These means are, first, collections of the most complete information attainable relative to the circumstances under which sickness arises, together with accurate accounts of the deaths consequent upon those circumstances; and, next, the formation of equitable tables of assurance for individual contribution, by which the evil effects of such events, when they do happen, will be mitigated, in proportion to the degree in which they are shared amongst large numbers. Accounts of this description, which perhaps at present a government alone has the power to obtain in the requisite degree of perfection, would form an invaluable acquisition to science, and would direct the public exertions in removing those circumstances which shorten life, and in promoting those under which it is found to attain its greatest duration. Our government has hitherto paid little attention to this important subject, and has only concerned itself with such accounts, as means of indirect taxation.

We shall not attempt to investigate the fairness of the terms on which the Assurance Companies deal with the public, as that subject has been fully and efficiently dealt with in a recent number of the Quarterly Review; neither shall we examine the defence of those companies, made in a subsequent number of the Edinburgh Review, which admitted that they obtained a profit of as much as seventeen per cent, and disinterestedly besought the public not to "cheer on" other companies "in the race of competition." We shall concern ourselves as little as possible about such interests. We propose to exhibit the present state of the information possessed relative to the casualties of sickness and mortality, and the conduct of the government respecting the departments of the public expenditure, appropriated as means to diminish the evil effects of those casualties.

It is perhaps requisite we should call upon our readers to bear in mind, that the value of any table of sickness or mortality is proportionate to the extent and accuracy of the information obtained relative to the class of persons, from the number of whose casualties it is formed; and that the degree in which such table is applicable to determine the number of casualties that may be expected to happen amongst another class of persons, must depend upon the similarity of the circumstances under which the two classes are placed.

Of the tables now in use, the oldest, and that which is most generally adopted, is called the Northampton table. It was formed by Dr. Price, from bills of mortality kept in the parish of All Saints, Northampton, during the years 1735 to 1780. This parish contained little more than half the number of inhabitants

of Northampton. A table formed upon the casualties happening to such a proportion might have been applicable to determine the chances of mortality in that town, provided that the parish of All Saints was not inhabited exclusively or disproportionately by rich or by poor; and provided also, that the population was stationary during the period included in the returns, which there is evidence to prove was not the case. But a table formed on so narrow a basis as that afforded by half the population of a small town, is of itself obviously inapplicable to determine the chances of mortality amongst the general population of the kingdom. This, however, is the table adopted by most of the Assurance offices, as the one on which they depend in the insurance of lives.

The next table, or set of tables, called the Swedish, was constructed in a very satisfactory manner upon returns carefully collected in the years 1755 to 1776, from the whole population of Sweden and Finland. These tables have been corrected by others, deduced with equal care from other returns, officially compiled during the years from 1775 to 1795, and from 1801 to 1805. These tables may be trusted, as accurately exhibiting the chances of mortality amongst the whole population of the two countries, but not the relative chances amongst the different classes of that population. But the climate and soil of those countries, the alternations of good and bad crops, the severe and rapid changes of the seasons, and the other circumstances influencing health and longevity under which the Swedes were placed, differed so greatly from the circumstances of this country, as to render this set of tables, if unaided by other evidence, insufficient for the determination of the average mortality amongst our population.

The third table, or rather set of tables, is that formed in France by Monsieur de Parcieux; of which set, one table was calculated from the mortality found to prevail (mostly during the years from 1689 to 1696) amongst the nominees of the French Tontine; four were formed from the registers of deaths among the monks of four monastic orders in Paris; and the sixth table, which was the first ever calculated separately to show the duration of female life, was formed from the registered deaths of the nuns in Paris. Each of these tables was deduced from the casualties happening amongst classes of select lives, differently circumstanced from the general population of France, and therefore bad, as data, for shewing the probable mortality amongst that population, and still worse for the purpose of estimating mortality amongst the population of this country, which probably differs in its circumstances more widely from the monks and nuns of the old French

regime, than did the general population of that country at that period.

The next, called the Carlisle table, was formed from the results of observations made during the years from 1779 to 1787, upon a population of eight thousand persons in the town of Carlisle. The facts were carefully collected by Dr. Heysham, and the calculations founded upon them, accurately conducted by Mr. Milne. A basis of observations upon eight thousand persons is evidently too small to form tables applicable to the whole kingdom; and the period of nine years, during which the observations were made, as it might have been attended by a greater degree of good or bad health than usual, was far too short to form a correct average, even with regard to that town.

These were the tables in most general use before the appointment of a committee of the House of Commons in 1825, to inquire into the general management of Benefit Societies. The chief presumption in favour of these tables, as representing the average mortality amongst the population of this country, was the degree in which they corresponded with each other, though formed independently. The Northampton table is the one adopted by the greater number of the Assurance offices for the purpose of assuring to persons the payment of certain sums of money on the deaths of other persons. This was the table strongly recommended to the Committee as the best adapted to shew the average mortality among the whole population; and as peculiarly applicable to govern the assurances against risks among the labouring classes, by whom chiefly the benefit societies are formed,—it being on the safe side; that is, not representing the duration of life too favourably, so as to call for premiums too low to cover the risks incurred—too low to ensure the stability and prosperity of the establishments. The witnesses in favour of this table were practical men, extensively conversant with the business of assuring against such contingencies. They urged that Dr. Price had corrected this table by information which he had collected of the casualties in other towns, and that its general applicability was confirmed by subsequent experience.

Opposed to these witnesses were several others equally eminent, who not questioning the correct formation of the Northampton table, or its applicability to display the probable length of life at the time when it was made, contended that the duration of life had since increased, and was now far greater than the Northampton table represented.

The theory which the latter class of witnesses maintained, of

the increased duration of human life, has for several years past gained ground; and it appears to us that strong *primâ facie* evidence may be adduced in its favour, independently of any proof derived from population returns or mortuary registers.

Dr. Price laid down the position, that mortality invariably follows the rate of sickness; or, in other words, that mortality is always proportionate to the causes of mortality. Persons of age and observation bear testimony, that a great improvement has taken place in the general mode of living among the people of this country, even within the last twenty years. The higher classes are acknowledged to be much more temperate, less addicted to those gross sensual excesses which characterise a people who, in the earlier stages of civilization, are not aware of the pleasures to be derived from useful pursuits, and who have few intellectual amusements as a resource against ennui. The vice of hard drinking is no longer fashionable; and he who should now seek distinction as a six, or even as a four bottle man, would be classed with those persons of humble station and more limited means, who are occasionally celebrated in the newspapers by the announcement of such exploits as eating a whole leg of mutton, and a proportionate quantity of candles by way of dessert. The physical condition of the aristocracy has been greatly improved; partly, doubtless, by their better habits, and partly by their plebeian alliances, and obedience to the general law of nature which is found effectual for the improvement of the lower animals. The satire of Swift is only applicable to by-gone times. A lord, if an Hidalgo of the "true-blue Castilian blood," is no longer known by his spindle shanks, as in the days of Fielding, and the younger men of the aristocracy are in general taller and better made than the elder.

The habits of the labouring classes have (as was stated in evidence before the Committees of the House of Commons, which sat in the years 1816 and 1817, to inquire into the police of the metropolis) undergone considerable improvement within the same period. It must be admitted that the reduced circumstances of some classes of workmen militate against this theory, but there are very few of them who have not been sustained, and even advanced, in condition, by the more skilful use of diminished means. They have gained in knowledge, and have in the same proportion been recovered from that tyrannical control of appetites and passions, from that propensity to seize with avidity and to use without restraint the means of immediate gratification, which distinguishes all ignorant people of whatever rank. The sailor, when he returns from a voyage, the ill-educated heir

to an estate, when he becomes of age, and the workman who by three days labour obtains enough to maintain him in idleness and dissipation during the remainder of the week, are influenced by very much the same class of motives. The most decisive and gratifying proof of the improvement taking place in the habits of the labouring classes, is the increase of Benefit Societies and other institutions directed to the same end, which before the middle of the last century were scarcely known. It appears from returns made to Parliament, and cited in the Report before us, that so early as 1802, there were no fewer than nine thousand six hundred and seventy-two Friendly Societies, and that in 1815 the members of these institutions in England alone, were enumerated at nine hundred and twenty-five thousand four hundred and twenty-nine. In Scotland the numbers in proportion to the population were still more considerable; and in both countries they have subsequently much increased. We may add also, that during the last year the deposits in the Savings Banks amounted to upwards of sixteen millions of money. Of this sum a large proportion, though not probably so large as is generally supposed, consists of deposits from mechanics and other labouring men. The prosperity of these institutions is gratifying, as affording evidence that large classes of the labouring community possess surplus means beyond what are requisite to procure them the necessaries of life;—it is cheering, as indicating the growth of improved habits of foresight and self-restraint, which must exercise an important moral influence over all their actions and relations in society.*

Considerable improvements have taken place in the domestic

* A philosophical writer characterizes the great progress of these institutions as "one of the most striking manifestations of virtue that ever was made by any people." He observes, that "For persons merged in poverty, and totally deprived of education, as the English population heretofore have so generally been, it is not easy or common to have much of foresight, or much of that self-command which is necessary to draw upon the gratifications of the present for those of a distant day. When a people thus situated have a provision made for them, to which they can, with certainty, have recourse, as often as they themselves are deprived of the means of earning their own subsistence; and yet, notwithstanding this security, choose to form themselves almost universally into Benefit Societies, in order that, by taking something from the means of their present scanty enjoyments, they may in sickness, disablement, and old age, be saved from the necessity of having recourse to public charity, and may continue to live to the end of their days upon the fruit of their own labour, no burthen to the public, or dependant upon its bounty; they exhibit a combination of qualities, the existence of which could hardly be credited, if it were not seen; above all, in a country in which the higher ranks too often display an eager desire to benefit themselves at the public expense."—*Sup. Ency. Brit.* Art. *Benefit Societies*, p. 263.

habits of artizans; they are more cleanly and regular, their houses are better constructed, they have acquired some notion that fresh air is conducive to health, and the streets where they reside are less filthy and pestilential than formerly. When to this enumeration of the causes of diminution in the amount of mortality are added the extensive reductions which must be occasioned by vaccination, less injurious nursing in infancy, and improved medical treatment, enough of this species of evidence has been adduced to satisfy us, that however the condition of some classes may have been deteriorated, the sum of improvement in the entire community will be found to preponderate considerably.

The opinion, that the value of life had improved, was, until the last year or two, treated as a "mere theory;" by which term of derision was meant an hypothesis or doubtful speculation, and the supporters of it were of course viewed as men whose opinions might be listened to, but ought not to be carried into practice. A minority of witnesses, who, as actuaries, practically conversant with the tables of mortality, came under the denomination of "practical men," being of opinion that there was no foundation for the theory; their evidence held the committee *in dubio* during the first year of its sitting. Before we give any specimens of the opinions received from these witnesses, and treated as evidence by the committee, we shall make a few observations on the value of the opinions of average "practical men," on all questions of change or improvement.

The common reliance on the testimony of this class of witnesses is founded upon an assumption, that those who have been long engaged in a particular pursuit, must necessarily have obtained, or at least are most likely to possess, the whole of the existing knowledge relative to that pursuit, and must, therefore, be the most competent to form a correct estimate of it, in all its bearings. This assumption of completeness of information, as predicated of the whole class of practical men, is untrue. By nothing are they so much distinguished, as by their indifference to the progress and result of any investigations which may be carried on relative to that pursuit, and to the utility of any new facts that may be elicited with respect to it. Thus the chief practical man examined as a witness before the committee, was asked,

'Do you know of any actual observation or collection of facts subsequent to the final adoption of the Northampton tables by Dr. Price, whereby those tables have been confirmed?—To which he answered, "I know of none since the year 1791, that was the time in which he died. He proved the tables made at Holy Cross, and at Chester, and at Warrington, and compared them with those of Breslaw. Chester is the best town for making observations, for it is a

town where the inhabitants, at the time Dr. Price formed his tables, neither decreased nor increased much.'

He was then examined in the following manner :—

'Are you acquainted with the table published by Mr. Francis Baily, shewing the number of persons living at the several ages according to the observations at London, Stockholm, Chester, and other places ?—No; I know nothing of the table.'

'Are you acquainted with a table published by Corbaux of the same nature ?—I never heard of him ; there was a Swedish table published by Mr. Baily, but that, I "believe," is nearly the same with that given by Dr. Price for males and females.'

Ask, in like manner, the practical agriculturist, the practical merchant, or the practical tradesman, about any book relating to his avocation, which furnishes new facts, or presents the old facts in better method and order for practical purposes, and you will find him equally ignorant and careless on the subject. It is obvious that the practical man whom we have just cited, had made up his bundle of opinions in 1791, and did not care to open it for the purpose of substituting in the place of those which were rotten, others that were new and sound. Since the Northampton table worked well for him, produced to himself a good salary, and to the parties for whom he acted a good bonus, what motive had he to investigate? What mattered it, whether or not the circumstances of society had been altered, and the duration of life extended since 1791? Thus it will be found, in the great majority of cases, that, the routine of practical men being given, you have the whole of their information relative to their avocations. To their indifference to the reception of any new facts, and the consequent incompleteness of their information for any practical purpose, may be added their incompetency to weigh evidence, free from the bias, in most cases of direct monied interest; and in nearly all cases, of the interest arising from the loss of reputation which would be incurred by acknowledging that others were in possession of superior information, or were capable of making a better application than themselves of the information already possessed: while all experience proves that even the interest occasioned by the disinclination to change old habits is of itself sufficient to counteract a considerable monied interest, when that interest is not immediate and obvious to the senses. "The great bulk of mankind," observes Paley, "act more from habit than reflection" and most especially must this be the case during the prevalence of systems of education which perform by the memory alone, all which the memory alone can be made to perform; which teach every thing by rote, nothing by reference to

first principles. Under the evil influence of the habit of parroting, which is acquired under a common education, almost every person is taught his avocation according to fixed rules, and is made to believe that the existing practice, whatever it be, is the best possible. Before he has time to form an opinion for himself, the associations and belief chosen for him by others, become so strongly impressed on his mind by habit, as in a great measure to destroy his power of forming, or even of entertaining, any new combinations on the subject. Hence, perhaps, it is, that the most important improvements in the arts and sciences have been made, not by the "regularly-educated practical men," but by persons trained up to other pursuits. The greatest improvements in agriculture have been made by persons bred up in cities. The best laws are made by persons who are not practical lawyers. The same causes will, perhaps, account for the circumstance so frequently observed, that whenever a man of superior mind arises, the last thing benefited by the exercise of his powers of invention will be the pursuit to which he was "regularly educated." Ramage, the optician, who has rendered so important a service to science by the improvement of reflecting telescopes, in which he has obtained equal power in half the size used by Herschell, made no improvement in tanning leather, his original occupation. As an instance of the operation of the causes to which we have alluded so often, incapacitating men of extensive practice, and even of something more than mere routine, from forming a conception of any change or improvement, we may mention the recent case of sir James Scarlett. It may be recollected, that a short time ago, a complaint was made in parliament that the fees extorted from prisoners at the sessions were so considerable, that the court and jury, from motives of compassion, conspired to convict a poor man in order that he might be fined a shilling and be discharged from further payments. Sir James Scarlett hereupon rose; he admitted and lamented the existence of the evil, but declared (and we fully believe in the sincerity of the declaration), that he *could not see how* it could be remedied! Mr. Peel, in answer, ventured to say, that he humbly conceived the evil might be remedied by *abolishing the fees*. We have heard of another practical man, of the same class, who, on hearing that in Holland no distinction was made between real and personal property, expressed his extreme surprise at such deplorable barbarism; and wondered how society could hold together without such a classification. He could form no conception of a state of things, in which the secure possession of an estate could be conveyed with as little expense or trouble as

the least important article in daily use. Other similar instances will present themselves to every observing person; and it may be laid down as a general rule, that unless the mind of a practical man has been trained to habits of generalising beyond the details of his profession, his conclusion as to the effect of any change in his practice, is less to be relied upon than that of any other man of equal general intelligence, to whose mind the same facts are presented, and who gives them an equal degree of consideration. Yet, it is the evidence of this class of practical men, which, in all questions of change and improvement, governs the opinions of our legislators and of a large portion of the public. It is important to have the real value of such evidence better understood, and for this purpose we have digressed thus far, to avail ourselves of some illustrations presented by the reports before us. If the general observations are found to apply to the evidence of practical men whose avocations are of a more intellectual nature, *à fortiori* will they apply to those engaged in ordinary pursuits.

The practical men whose evidence supported the doctrine that the duration of life has not been extended since the time of the formation of the Northampton tables, were Mr. W. Morgan, the actuary of the Equitable Insurance Company, which is the most wealthy and extensive institution of the kind in Europe; Mr. W. Glenny, the secretary to numerous benefit societies and insurance companies for the labouring classes; and Mr. W. Frend, the actuary of the Rock Life Insurance Company. We shall extract some portions of the evidence given by the two latter witnesses, and with only slight observation leave them to the reader's judgment. But the former deserves a more special notice, since his opinions, from the circumstance of his enjoying a more extensive practice than any other man, have obtained a degree of weight that entitles him to the distinction of being presented as the specimen *par excellence* of the "practical man."

Mr. Frend's evidence is to this effect:—

'Do you apprehend that, since the Northampton tables were formed, the value of human life has encreased?—No, I do not; there may be a difference in the higher classes, but I cannot say that I conceive the general notion that it is so is correct.

'Are the Committee to understand that it is not your opinion, that among any but the higher classes the life of a man of twenty is more valuable than it was, or than it was estimated to be, twenty years ago?—If I am asked that as a matter of opinion, it must be matter of opinion merely. I very much suspect, that it is not a whit better. I rather think the calculation comes very nearly to the same point; as to the general measure of human life, that it is not materially altered;

no tables whatever can be formed that are accurate; for our tables end at the age of ninety six, whereas we know every year, that people live beyond an hundred; therefore it is clear that no tables which human ingenuity can devise, come exactly to accuracy; but it is luckily like the property of the asymptote, it comes near enough for practical purposes.'—*First Report*, p. 87.

We are bound to give the witness credit for sincerity even at the expense of his reputation for capacity; but had he intended to nonplus the hon. members, he could not have succeeded more completely. They did not put to him another question on this subject.

From Mr. Glenny the Committee received the following testimony:—

'Having yourself constructed tables in a great degree from actual observation, you are confirmed in the opinion that Dr. Price's tables were correct?—The nearest to correctness.

'Do you not think that health has improved by the improvement of medical science since the time of Dr. Price?—Not much more in adults, but very much in children.

'Supposing that you have in one district an accurate table of mortality, and also an accurate table of the average of sickness; that in another district you have the table of mortality only, which I will suppose to differ considerably from the table of mortality in the other district, do you think, that by constructing a table of sickness in the latter district, bearing the same relation to the sickness table of the former, as the mortality table in the second bears to that of the first, you would come to an accurate result?—No, I do not. I think it would depend so much upon other circumstances; it would depend so much upon the manufactures. In some trades the mortality is much more severe, and the sickness much lighter, and I have been much perplexed, in the course of nine years' close observation, by these two results; my proceedings for the next five years I hope will obtain the results of the various large manufactures of this kingdom, as the only correct means of preparing a correct sickness table.

'In what particular business have you observed the difference between mortality and sickness, that the mortality should be great and the sickness less?—I have found the gilders very subject to sickness, and I have not found that it materially shortens life.

'What sort of sickness?—Chiefly debility arising from the mercury.

'Do you not include painters?—Next to gilders, the casters in lead, and workers in lead of all descriptions, are more subject to sickness than to mortality comparatively. They have rheumatic pains; they have affections in the joints, and many disorders which prevents them periodically from following their business; hence they are turned out of most societies, or rather not admitted.

'Is that the case with painters also?—I class them among workers of lead of every description. Watchmakers are very apt to be affected

in the sight, and they also go into declines, and hang a long time on the funds, frequently without dying at a more early period than other men. Husbandmen are subject to much less sickness, I think, from the returns I have been able to procure, than almost any species of mechanic.

'And do you not think they live longer also?—I think they do. In London there are an immense number of founderies, where they keep an immense number of men, and there they are subject to be laid on the funds by accident, yet they are not frequently accidents that kill them, so that they are thrown on the superannuated list early.

'Do you not think human life lengthened from the improvement of medical science during the last twenty-five years?—No, I do not. I think the quantity of sickness lessened, but I do not think life lengthened.—Do you not apprehend that more children are reared?—Yes, certainly, so much so, that I have been for years trying to form a table to provide something for children during their minority, and I have been comparatively baffled by the difference of life in children within the last twelve or fourteen years, so that I have to go over the whole ground again. I should think the lives of children had increased a fifth, at least from my experience.'—*First Report*, p. 40.

We shall not stop to examine how far the conclusion of the witness, that life has not lengthened, agrees with his admissions, that, since the Northampton table was formed, the health of adults has advanced a little, and the health of children has been improved very much, so that a greater number are now reared to maturity. With respect to the instances he adduced in support of the paradox, that sickness might increase, and mortality yet remain stationary, it did not, perhaps, occur to the committee to inquire of the witness, whether the classes of debilitated men whom he mentioned would be likely to withstand, so well as healthy men, those casual diseases (not incidental to any avocation), to which all classes are exposed. That men may lose their sight without their general health being materially diminished; that the diminution of life from the effects of injuries which disable a man, and, in some degree, also debilitate his general health, may often be compensated by his exemption as a pensioner from the hard labour, wear and tear, and consequent loss of vitality incidental to his avocation, no one will dispute, but that a whole class may be debilitated by sickness without the duration of life amongst them being impaired, is an absurdity. The operation of general causes of sickness on particular classes, and the diminution of a patient's chances of recovery in proportion to his previous debility, was strikingly illustrated in some returns from the hospitals at Paris, to which we shall hereafter advert.

We now come to Mr. Morgan, whose evidence on this point we shall extract.

'When examined before the Poor-laws committee in 1817, you stated, that you had no reason to doubt that the tables published in the second volume of your edition of Dr. Price's work, were still correct?—I found them correct, and *I do find* them correct.

'Have you any reason to believe that sickness has actually increased?—Not at all.

'Do you think it has diminished in consequence of the introduction of vaccination?—Most likely it has; but the people admitted into these clubs are people from twenty to thirty years of age.

'We were speaking of sickness generally, not as relating to these clubs?—There may be more in some years than in others.

'Still you have taken it at a lower average?—Yes, I have.

'You find mortality greater, but not sickness?—Not sickness.

'Sickness and mortality, both, of course, vary among different classes of people?—Yes.

'Do you not apprehend that there are some classes in which sickness is more prevalent than in others, but where the lives of individuals are not shorter?—No, I do not think so.

'Are not some places more healthy than others?—They may be; I know nothing about that.

'Are there not certain trades which afflict individuals with blindness without shortening their lives?—I do not know about that.'—*First Report*, p. 50.

We shall say nothing as to the value of the testimony of this practical man, who ably and successfully superintends a mighty concern, with a capital of several millions of money, and yet is so ignorant beyond his routine, as not to know that there are some places more healthy than others. It is to be attributed to the want of skill in the committee to examine witnesses, and the ignorance of hon. members as to the nature and importance of the points to which they ought to have directed the examination, that more definite answers were not elicited from this witness and others. But he has explicitly declared, as the result of his own practical experience, which we apprehend was wholly in his society (the Equitable), that Dr. Price's tables are still correct, and therefore, that the average duration of life has remained stationary. Many of our readers, who do not take into account the little exercise of mind which practical men in general bestow on the facts under their own observation, will perhaps be somewhat surprised, when we inform them, that from the facts within the experience of this witness, his conclusion has been demonstrated to be extremely erroneous. It appears, that he has been in the habit of making regular reports to the members of his Institution, of the number of persons

assured, whose names appeared on their books, and of the numbers who died. Mr. Griffith Davies, the actuary of the Guardian Assurance Office, procured a complete series of these reports, and theorized the facts of the practical man, that is, "put the whole of the knowledge," which he (according to his reports) "possessed upon the subject, into that order and form in which it is most easy to draw from it, good practical rules." We have annexed a table, calculated by Dr. Mitchell from the practical man's facts, so theorized by Mr. Davies. According to the witness's evidence, or the Northampton tables, the probable duration of a life already at twenty, is 33·43 years; according to his facts, when theorized, its duration has extended to 41·05. A life at thirty, according to his testimony as a practical man, is of 28·27: according to the result of his reports, it is 33·97 years. A life of forty, according to Dr. Price, whose tables are stated in the evidence of Mr. Morgan to be still applicable, is 23·08 years in duration, but on this point alone, Mr. Morgan's facts prove them to be inapplicable by four years and a fraction, the value of life having been improved to that extent. Mr. Babbage and Mr. Gompertz went over nearly the same facts, and so far as they went, confirmed the correctness of Mr. Davies's theory.

We have considerable presumptive evidence in the superior habits of females, to support the conclusion that the duration of their lives is greater than those of males. Several men of extensive practice declared however, that there was no material difference.

The Committee says to Mr. Glenny [*First Report*, p. 41],—

'Then you make no distinction, upon the ground of a supposed difference in the value between male and female life?—No: there are differences of opinion between calculators. The difference is so small; there is not a single consideration in the calculation of a table which is not of greater importance than that point.'

Mr. Baily is asked [*Second Report*, p. 27],—

'Do you conceive that it is necessary to have a different rate of payment for males and for females to ensure the same object?—I should hardly think it worth while to perplex the subject with such a distinction. Have you paid any attention to the subject? I have occasionally. In the valuation of annuities, we generally reckon the females lives worth half a year's purchase more.'

And Mr. Morgan [*Second Report*, p. 45], says,—

'The duration of life, in general, is a little better among females than among males; but, in my opinion, it is not sufficient to render it necessary to compute tables for them.'

These opinions are opposed, not only by the number, and, as we consider, weight, of opinions from other witnesses, but by the evidence of the Swedish tables, which shew the difference between male and female life to be very considerable. New returns were, however, now given to the committee by Mr. Finlaison, the actuary of the National Debt Office, which established, beyond a doubt, the fact, that great improvement has taken place in the value of life, amongst those classes respecting whom the best evidence was previously possessed. He also proved the superiority of the lives of females, as compared with the lives of males, to be very considerable. When he presented his tables to the committee in 1825, he stated [*First Report*, p. 44],—

'It is now exactly six years ago since I was appointed by government expressly for the purpose of investigating the true law of mortality which prevails among the people of England at the present time. I say at the present time, because there has been, as I have discovered, a very extraordinary prolongation of human life in the course of the last hundred years. I also say in either sex, because it has appeared, from the writings of former authors, that a great difference in the duration of life exists between the two sexes, and that that difference has never been accurately assigned. It was the more necessary to do this from authentic documents, because, heretofore, almost all the known tables are derived from parochial records, which are incapable of affording accurate deductions; therefore, by the aid of Government, I was enabled to make observations upon the life annuitants of various classes who have been registered as nominees in tontines, or life annuities properly so called. I made an observation upon nearly twenty-five thousand people in that situation, during a period of more than thirty years, and the consequences resulting from that observation upon each sex, will be shewn in a paper, which I beg leave to give in, containing the expectation of life as it is now, and as it was a century ago; the difference is very great upon each sex; the committee will find it nearly as three to four. I mean, that the duration of existence now, compared with what it was a century ago, is as four to three in round numbers.'

In addition to the tables constructed upon the basis of the lives of Government annuitants who belong to the higher and middling classes, he calculated the mortality that prevailed during the years 1814 to 1822, amongst 50,682 out-pensioners on the books of Chelsea College, and 20,210 out-pensioners on the books of Greenwich Hospital. These he declares were lives of the worst description. The great majority of them had come in under 45 years of age. They were either persons who had been wounded, or who had lived some time in unhealthy climates, and their claims for other causes than length of service must have been impaired constitutions. Yet the chances of

these lives were at every age better than the chances given by the Northampton table, and after 50 as good as those given by the Carlisle tables.

The committee obtained from baron Delessert, the founder of the Philanthropic Society at Paris, extracts from the reports of "Les Sociétés de Prévoyance, L'Annuaire, par Le Bureau des Longitudes" and "Les Recherches Statistiques sur la Ville de Paris et le Department de la Seine." The returns thus obtained from France confirm, as far as they go, the theory that the value of life has improved with the improved habits and condition of the people. According to a document which the men of science in France treat as satisfactory evidence, it appears, that the annual deaths in Paris during the "age of Chivalry," (the fourteenth century) was one in sixteen or seventeen. During the seventeenth century, it was one in twenty-five or twenty-six, and in 1824, it was one in 32·62.* When the other parts of France were added to the capital, the proportion of deaths appeared still farther to have decreased; and, throughout the whole of France, the deaths during 1781, were one in twenty-nine. During the five years preceding 1825, it was one in thirty-nine. We have not the whole materials before us to enable us to determine accurately, but the total results prove, to the satisfaction of men of science on the other side of the channel, that the value of life has doubled in France, since "le bon vieux tems," and gained nearly one third since the Revolution, when all that was venerable was overthrown.

In this state was the evidence submitted before the first committee in 1825. We have shown the quality of nearly the whole of the opinions called evidence, adduced to support the Northampton tables; and we have described the nature of the evidence by which they were proved to represent the duration of life too unfavourably. It might be supposed that it could hardly have escaped the most careless and incompetent member of the committee, that in proportion as the old tables represented the duration of life below the true rate, the public money was improvidently expended in granting annuities; that is, in contracting, on consideration of the receipt of a given sum, to continue a certain annual payment so long as the grantee should live. It was matter of notoriety that insurance companies had

* From the table constructed by Dr. Price to exhibit the average mortality in London [see *Observations on Reversionary Payments*, vol. ii, p. 305, 310] it appears that during the ten years ending with 1780, one inhabitant out of 19⅔ died annually. Mr. Milne has shewn [Art. 755 of his treatise on Assurances], that in the ten years ending with 1810, there died in the metropolis, annually, one person in 34·19.

grown extremely rich by the use of the old tables in the converse operation—that of assuring lives; *i. e.* receiving an annuity during the life of an individual, on condition of paying a given sum at his death. It was then sufficiently well known, that these private companies would not grant annuities on the same terms as Government, or on the old tables; obviously because they discovered that they would be losers by the transaction. These two facts alone made a case for stopping this source of public expenditure until inquiry could be made, and more satisfactory tables formed. The tables, however, now produced, proved beyond a doubt that the public money was expended at an enormous loss in granting annuities. We shall state one or two instances of the ruinous nature of these transactions.

On an average of the last hundred years, the price of three per cent stock has been between seventy-nine and eighty. At that rate of interest, and the rate of mortality which, according to Mr. Finlaison, actually prevails among the Government annuitants, the annuity which ought to have been allowed on a life of sixty, for every 100*l.* sunk, was 8*l.* 10*s.* 7*d.* [Vide *Appendix to the Report of* 1825, p. 131]: whereas the annuity actually allowed on that age was 10*l.* 6*s.* 3*d.* for each 100*l.* sunk, making an absolute loss to the country of 1*l.* 15*s.* 8*d.* per cent annually during the remainder of the life which was calculated at fifteen years duration.—*Ibid. Appendix*, p. 125.

The deferred annuities were granted on still worse terms, for on reference to the rate of interest, and tables of mortality, above alluded to, it may be seen that the value of 1*l.* annuity purchased by a person at the age of forty, but which he is not to begin to receive until the age of fifty, is above eight years' purchase, or, in other words, that on such contingency, the Government ought not to have granted above 12*l.* 10*s.* for every 100*l.* sunk; whereas they gave 15*l.* 8*s.* per cent, making an absolute loss to the public of 2*l.* 18*s.* per cent during the remainder of the life.

This expenditure, which had gone on for a series of years, was allowed to continue during two years more, though attention was strongly called to the subject.

In consequence of some observations which were made on Mr. Finlaison's tables, he went over the operation of theorizing the whole of his data a second time; *i. e.* observing exactly the facts, "to make a perfect collection of them; nothing omitted that is of importance; nothing included of none; and to record them in that order and form in which all that is best to be done in practice can be most immediately and certainly perceived."

He performed this operation by new methods, and found the results to coincide in nearly every instance. The extreme difference between the two sets of tables in granting an annuity would be fifteen shillings in the hundred pounds. The difference between male and female lives he found to be very considerable in every period of life excepting in infancy (under ten years of age) and excepting also in extreme old age; *e. g.* beyond eighty-five, when no distinction is perceptible in the returns. He states the general result of the comparison in these terms:—"Supposing a mother were to leave a pension to her son; the value of such a pension would only be two thirds of a pension left by a father to his daughter—the relative ages of the children and parents being precisely the same. It follows therefore" (and here let the reader refer to the testimony of those blind guides, the practical men) "that any society making no distinction of sex, and granting pensions to widows according to the strict arithmetical result, would inevitably be ruined."—Vide *Second Report*, p. 57.

The Committee, it appears, in their Second Report, came to the conclusion that the evidence appeared "strong and decisive" in favour of tables which gave "an expectation of life higher than the Northampton," and that there was "not even a *primâ facie* case" in favour of the latter.—*Second Report*, p. 4.

Mr. John Naylor, speaking of Mr. Finlaison's table, says,

'I am inclined to believe it to be accurate, and for this reason; that with reference to the annuities calculated from this table, on male and female lives of course, the mean between male and female annuities would not give the proper annuity for lives in general, but still it would be sufficient for the purpose of comparison; and by comparing such annuities with the Carlisle tables, they are found to agree to a very surprising degree of exactness, especially from ten to fifty years of age. I have compared such annuities with De Parcieux's annuities, and also with Babbage's annuities, and with Davies's annuities, as deduced from what those gentlemen call the experience of the Equitable during the last fifty years; and from ten to fifty years of age the annuities agree with a surprising degree of exactness; and in consequence of the agreement of such annuities with annuities as deduced from the Carlisle tables, I am satisfied that Mr. Finlaison's calculations are correct.'—*Second Report*, p. 35.

Mr. Griffith Davies, and other actuaries, bear testimony to the superior value of Mr. Finlaison's tables to any others of which the public are in possession.

Mr. Naylor, when asked whether or not the rate of mortality had diminished in England, replied,

'I am decidedly of opinion that it has. This opinion is the result of several comparisons of the proportions of deaths to the numbers

living at the same places at different times, from which I infer, that independently of the effects of vaccination, the mean duration of life has increased in England during the last fifty years.'—*Second Report*, p. 85.

Mr. Griffith Davies, on this point, gives evidence which we think worthy of particular attention.

'As another corroboration of the increased value of life within the last hundred years,' he says, 'I think, on examination of the different tables, the fruitfulness of women, say from the age of fifteen to fifty, will be found nearly the same at all periods; and, in the greater part, I believe, of the different countries of Europe that we have tables for, prior to the time when Dr. Price wrote, that degree of fruitfulness was scarcely adequate to compensate for the existing mortality; so that he strenuously argued that the population was decreasing in this country; and I believe that, supposing the documents he had to reason upon to be correct, the conclusion he drew was not so erroneous as it has been represented. It is not an increase of the number of births, as compared with the number of bearing women, that has increased the population, but the increased number of children that have been reared from the birth and passed through the several stages of life. In other words I would observe, that about one hundred years back, if any dependance can be placed upon the registers, the number of annual births did not exceed the number of burials, and, as a consequence, the population could not then have been on the increase. The increase of population since that period must, therefore, be attributed to an increase of fruitfulness of the female sex; to the effect of immigration; to a diminution of the rate of mortality, or to two or more of these causes combined. But as far as documentary evidence goes, it does not appear that the number of births has increased in comparison with the number of bearing women; and it is clear that the increase of population cannot be attributed to immigration, otherwise the number of burials must have increased with the number of births, which is contrary to the fact, as established on indisputable evidence; the increase of population must, therefore, be entirely attributable to a diminution of the rate of mortality.'—*Second Report*, p. 38.

The relative chances of the duration of life, as determined by the several tables of which we have treated, are thus displayed in the following table:—*See Table* A.

The results as respects pecuniary provisions against contingencies are thus set forth in the Second Report:—*See Table* B.

Notwithstanding all this evidence, government still persevered in the wasteful expenditure which we have noticed, and which, at the time when this committee presented their Report, was proceeding with increasing rapidity. The misapplication has been stated by Mr. Finlaison in terms so clear and forcible, that we shall quote them from the letter which he wrote to Mr.

[TABLE A.]

| Age. | Northampton. | Swedish. | | Carlisle. | Equitable. | Government Annuitant. | |
|---|---|---|---|---|---|---|---|
| | | Male. | Female. | | | Male. | Female. |
| 0 | 25·18 | 37·82 | 41·01 | 38·72 | | 50·16 | 55·51 |
| 1 | 32·74 | 46·26 | 48·60 | 44·68 | | 50·13 | 55·59 |
| 2 | 37·79 | 48·12 | 50·28 | 47·55 | | 50·04 | 55·37 |
| 3 | 39·55 | 48·84 | 50·90 | 49·82 | | 49·80 | 55·05 |
| 4 | 40·58 | 49·05 | 51·15 | 50·76 | | 49·42 | 54·65 |
| 5 | 40·84 | 48·99 | 51·04 | 51·25 | | 48·93 | 54·23 |
| 6 | 41·07 | 48·80 | 50·79 | 51·17 | | 48·36 | 53·72 |
| 7 | 41·03 | 48·60 | 50·38 | 50·80 | | 47·71 | 53·15 |
| 8 | 40·79 | 47·91 | 49·78 | 50·24 | | 47·02 | 52·50 |
| 9 | 40·36 | 47·30 | 49·23 | 49·57 | | 46·30 | 51·80 |
| 10 | 39·78 | 46·68 | 48·55 | 48·82 | 48·83 | 45·57 | 51·05 |
| 11 | 39·14 | 45·95 | 47·83 | 48·04 | 48·02 | 44·83 | 50·27 |
| 12 | 38·49 | 45·21 | 47·09 | 47·27 | 47·20 | 44·07 | 49·48 |
| 13 | 37·83 | 44·59 | 46·00 | 46·51 | 46·40 | 43·31 | 48·70 |
| 14 | 37·17 | 43·67 | 45·51 | 45·75 | 45·60 | 42·53 | 47·93 |
| 15 | 36·51 | 42·88 | 44·72 | 45·00 | 44·81 | 41·75 | 47·19 |
| 16 | 35·85 | 42·11 | 43·95 | 44·27 | 44·03 | 41·01 | 46·51 |
| 17 | 35·20 | 41·34 | 43·18 | 43·57 | 43·27 | 40·29 | 45·86 |
| 18 | 34·58 | 40·57 | 42·73 | 42·87 | 42·50 | 39·61 | 45·22 |
| 19 | 33·99 | 39·79 | 41·62 | 42·17 | 41·78 | 38·98 | 44·60 |
| 20 | 33·43 | 39·05 | 40·90 | 41·46 | 41·05 | 38·39 | 43·99 |
| 21 | 32·90 | 38·32 | 40·05 | 40·75 | 40·33 | 37·83 | 43·36 |
| 22 | 32·39 | 37·61 | 39·16 | 40·04 | 39·59 | 37·34 | 42·73 |
| 23 | 31·88 | 36·91 | 38·66 | 39·31 | 38·88 | 36·87 | 42·09 |
| 24 | 31·36 | 36·19 | 37·91 | 38·59 | 38·15 | 36·89 | 41·45 |
| 25 | 30·85 | 35·48 | 37·17 | 37·86 | 37·44 | 35·90 | 40·81 |
| 26 | 30·33 | 34·75 | 36·43 | 37·14 | 36·73 | 35·41 | 40·17 |
| 27 | 29·82 | 34·68 | 35·69 | 36·41 | 36·02 | 34·86 | 39·52 |
| 28 | 29·30 | 33·30 | 34·96 | 35·69 | 35·23 | 34·31 | 38·87 |
| 29 | 28·79 | 32·57 | 34·22 | 35·00 | 34·65 | 33·75 | 38·22 |
| 30 | 28·27 | 31·85 | 33·49 | 34·34 | 33·97 | 33·17 | 37·57 |
| 31 | 27·76 | 31·12 | 32·77 | 33·60 | 33·30 | 32·59 | 36·91 |
| 32 | 27·24 | 30·39 | 32·04 | 33·03 | 32·64 | 32·00 | 36·26 |
| 33 | 26·72 | 29·66 | 31·33 | 32·36 | 31·98 | 31·40 | 35·61 |
| 34 | 26·20 | 29·07 | 30·61 | 31·68 | 31·32 | 30·79 | 34·96 |
| 35 | 25·68 | 28·20 | 29·90 | 31·00 | 30·66 | 30·17 | 34·31 |
| 36 | 25·16 | 27·48 | 29·19 | 30·32 | 30·00 | 29·54 | 33·68 |
| 37 | 24·64 | 26·75 | 28·48 | 29·64 | 29·35 | 28·91 | 33·04 |
| 38 | 24·12 | 26·03 | 27·77 | 28·96 | 28·70 | 28·28 | 32·40 |
| 39 | 23·60 | 25·32 | 27·26 | 28·28 | 28·05 | 27·65 | 31·76 |
| 40 | 23·08 | 24·62 | 26·35 | 27·61 | 27·39 | 27·02 | 31·12 |
| 41 | 22·56 | 23·93 | 25·65 | 26·97 | 26·74 | 26·39 | 30·46 |
| 42 | 22·04 | 23·24 | 24·97 | 26·34 | 26·08 | 25·74 | 29·81 |
| 43 | 21·54 | 22·56 | 24·47 | 25·71 | 25·40 | 25·08 | 29·14 |
| 44 | 21·03 | 21·87 | 23·61 | 25·09 | 24·75 | 24·42 | 28·48 |
| 45 | 20·52 | 21·18 | 22·92 | 24·46 | 24·09 | 23·75 | 27·81 |
| 46 | 20·02 | 20·51 | 22·21 | 23·82 | 23·44 | 23·07 | 27·13 |
| 47 | 19·51 | 19·84 | 21·49 | 23·17 | 22·72 | 22·38 | 26·44 |
| 48 | 19.00 | 19·18 | 20·77 | 22·50 | 22·12 | 21·68 | 25·75 |
| 49 | 18·49 | 18·53 | 20·06 | 21·81 | 21·47 | 20·98 | 25·06 |
| 50 | 17·99 | 17·90 | 19·37 | 21·11 | 20·72 | 20·30 | 24·35 |
| 51 | 17·50 | 17·30 | 18·70 | 20·39 | 20·20 | 19·62 | 23·65 |

| Age. | Northampton. | Swedish. | | Carlisle. | Equitable. | Government Annuitant. | |
|---|---|---|---|---|---|---|---|
| | | Male. | Female. | | | Male. | Female. |
| 52 | 17·02 | 16·72 | 18·05 | 19·68 | 19·59 | 18·97 | 22·93 |
| 53 | 16·54 | 16·14 | 17·39 | 18·97 | 19·00 | 18·34 | 22·22 |
| 54 | 16·06 | 15·55 | 16·74 | 18·28 | 18·37 | 17·73 | 21·50 |
| 55 | 15·58 | 14·97 | 16·08 | 17·58 | 17·88 | 17·15 | 20·79 |
| 56 | 15·10 | 14·37 | 15·45 | 16·89 | 17·27 | 16·57 | 20·08 |
| 57 | 14·63 | 13·80 | 14·82 | 16·21 | 16·71 | 16·02 | 19·38 |
| 58 | 14·15 | 13·25 | 14·20 | 15·55 | 16·15 | 15·47 | 18·69 |
| 59 | 13·68 | 12·70 | 13·58 | 14·92 | 15·60 | 14·93 | 18·00 |
| 60 | 13·21 | 12·17 | 12·98 | 14·34 | 15·02 | 14·39 | 17·32 |
| 61 | 12·75 | 11·66 | 12·40 | 13·82 | 14·50 | 13·84 | 16·64 |
| 62 | 12·28 | 11·15 | 11·84 | 13·31 | 13·96 | 13·28 | 15·96 |
| 63 | 11·81 | 10·64 | 11·30 | 12·81 | 13·42 | 12·72 | 15·30 |
| 64 | 11·35 | 10·11 | 10·76 | 12·30 | 12·88 | 12·17 | 14 64 |
| 65 | 10·88 | 9·60 | 10·16 | 11·79 | 12·36 | 11·63 | 14·00 |
| 66 | 10·42 | 9·11 | 9·69 | 11·27 | 11·82 | 11·10 | 13·37 |
| 67 | 9·96 | 8·61 | 9·18 | 10·75 | 11·33 | 10·61 | 12·76 |
| 68 | 9·50 | 8·14 | 8·67 | 10·23 | 10·81 | 10·14 | 12·16 |
| 69 | 9·05 | 7·68 | 8·17 | 9·70 | 10·32 | 9·67 | 11·57 |
| 70 | 8·60 | 7·25 | 7·69 | 9·18 | 9·83 | 9·22 | 10 99 |
| 71 | 8·17 | 6·88 | 7·25 | 8·65 | 9·35 | 8·79 | 10·44 |
| 72 | 7·74 | 6·50 | 6·85 | 8·16 | 8·88 | 8·37 | 9·92 |
| 73 | 7·33 | 6·16 | 6·47 | 7·72 | 8·41 | 7·96 | 9·41 |
| 74 | 6·92 | 5·82 | 6·11 | 7·33 | 7·96 | 7·54 | 8·92 |
| 75 | 6·54 | 5·50 | 5·78 | 7·01 | 7·52 | 7·12 | 8·46 |
| 76 | 6·18 | 5·22 | 5·39 | 6·69 | 7·07 | 6·69 | 8·00 |
| 77 | 5·83 | 4·94 | 5·10 | 6·40 | 6·64 | 6·23 | 7·58 |
| 78 | 5·48 | 4·51 | 4·80 | 6·12 | 6·20 | 5·78 | 7·19 |
| 79 | 5·11 | 4·41 | 4·50 | 5·80 | 5·78 | 5·35 | 6·83 |
| 80 | 4·75 | 4·09 | 4·22 | 5·51 | 5·37 | 4·94 | 6·50 |
| 81 | 4·41 | 3·86 | 3·98 | 5·21 | 4·99 | 4·55 | 6·20 |
| 82 | 4·09 | 3·67 | 3·77 | 4·93 | 4·60 | 4·18 | 5·89 |
| 83 | 3·80 | 3·50 | 3·55 | 4·65 | 4·30 | 3·82 | 5·57 |
| 84 | 3·58 | 3·36 | 3·40 | 4·39 | 4·00 | 3·46 | 5·22 |
| 85 | 3·37 | 3·23 | 3·23 | 4·12 | 3·73 | 3·12 | 4·84 |
| 86 | 3·19 | 3·07 | 3·16 | 3·90 | 3·50 | 2·81 | 4·44 |
| 87 | 3·01 | 2·95 | 3·01 | 3·71 | 3·30 | 2·53 | 4·03 |
| 88 | 2·86 | 2·78 | 2·83 | 3·59 | 3·11 | 2·31 | 3·62 |
| 89 | 2·66 | 2·68 | 2·57 | 3·47 | 2·91 | 2·12 | 3·21 |
| 90 | 2·41 | 2·50 | 2·26 | 3·28 | 2·65 | 1·95 | 2·83 |
| 91 | 2·09 | 2·38 | 2·06 | 3·26 | 2·35 | 1·83 | 2·49 |
| 92 | 1·75 | 2·18 | 1·83 | 3·37 | 2·02 | 1·65 | 2·21 |
| 93 | 1·37 | 1·96 | 1·75 | 3·48 | 1·70 | 1·49 | 1·97 |
| 94 | 1·05 | 1·87 | 1·72 | 3·53 | 1·25 | 1·34 | 1·75 |
| 95 | 0·75 | 1·70 | 1·70 | 3·53 | 1·05 | 1·18 | 1·55 |
| 96 | 0·50 | 1·50 | 1·50 | 3·46 | 0·75 | ·97 | 1·32 |
| 97 | | 1·00 | 1·00 | 3·28 | | ·75 | 1·12 |
| 98 | | | | 3·07 | | ·50 | ·94 |
| 99 | | | | 2·77 | | ·00 | ·75 |
| 100 | | | | 2·28 | | ·0 | ·50 |
| 101 | | | | 1·79 | | | |
| 102 | | | | 1·30 | | | |
| 103 | | | | 0·88 | | | |

## [TABLE B.]

| — | 1 By Dr. Price's table, founded on the register of Births and Burials at Northampton. | 2 By the first Swedish tables, as published by Dr. Price, for both sexes. | 3 By De Parcieux's tables, founded on the mortality in the French tontines prior to 1745. | 4 By Mr. Milne's table, founded on the mortality observed at Carlisle. | 5 By Mr. G. Davies' table, founded on the experience of the Equitable Life Assurance Office.* | 6 By Mr. Finlaison's tables, founded on the experience of the Government life annuitants. According to his first investigation, mentioned in 1825. | 7. According to his second investigation, mentioned in 1827. |
|---|---|---|---|---|---|---|---|
| | | | | | | Mean of both sexes. | Mean of both sexes. |
| Of 100,000 persons aged 25, there would be alive at the age of 65 - - | 34·286 | 43·137 | 51·033 | 51·335 | 49·330 | 53·470 | 53·950 |
| Of 100,000 persons aged 65, there would be alive at the age of 80 - - | 28·738 | 23·704 | 29·873 | 31·577 | 37·267 | 38·655 | 37·355 |
| Expectation of life at the age of 25 years - - - - - - - - - - | 30·85 | 34·58 *(a)* | 37·17 | 37·86 | 37·45 | 38·35 | 38·52 |
| Expectation of life at the age of 65 years - - - - - - - - - - - | 10·88 | 10·10 *(b)* | 11·25 | 11·79 | 12·35 | 12·81 | 12·50 |
| Value of an annuity on a life aged 25, interest being at 4 per cent - - - | £15·438 | £16·839 | £17·420 | £17·645 | £17·494 | £17·534 | £17.634 |
| Value of an annuity on a life aged 65, interest being at 4 per cent - - - | £7·761 | £7·328 | £8·039 | £8·307 | £8·635 | £8·896 | £8·751 |
| Value of a deferred annuity, commencing at 65, to a life now aged 25, interest being at 4 per cent - - - - | £0·55424 | £0·65842 | £0·85452 | £0·88823 | £0·88723 | £0·99078 | £0·98334 |

* *Note, by the Committee.*—In all the above tables it is to be observed, that the mortality is deduced from an equal, or nearly an equal, number of each sex, with the single exception of Mr. Davies's table, founded on the experience of the Equitable, in which office, from the practical objects of Life Insurance, it is evident the male sex must have composed the vast majority of lives subjected to mortality. But as it is agreed on all hands, that the duration of life among females exceeds that of males, it follows, that the results of Mr. Davies's table fall materially short of what they would have been, if the facts on which he reasoned, had comprehended an equal number of each sex. The tables have not, in all cases, been computed at four and a half per cent, the rate allowed by Government.

*(a)* Swedish, 2nd table, 35·47; 3rd table, 36·33. *(b)* 2nd table, 10·19; 3rd table, 9·95.

Herries on the 30th of April, 1827. In this letter Mr. Finlaison states,

"That unless the tables by which those life annuities are now sold, shall be immediately changed, the Sinking Fund will incur a most enormous loss, which has been for many years increasing, is now advancing at the rate of 8,000*l.* every week, and during the last three months has exceeded 95,000*l.*

"That judging by the experience which we now have had for these last eighteen years and a half, of the transactions of the first year of the life-annuity system; viz. the year ending 31st of August, 1809; confining the question to that single year, in which only five hundred and forty annuities were granted (in all 58,506*l.* 10*s.* per annum), it appears there are still two hundred and twenty-eight of those annuities payable, to the extent of 23,251*l.* 13*s.* per annum, which, in reference either to numbers or income, is about four tenths of the whole, and some of those will no doubt continue payable for many years to come. In the meantime the account is closed with the annuitants.

"They have been paid back as much as would have repurchased all that they gave, and 10,759*l.* of stock to the bargain; consequently, as long as they live hereafter, the Sinking Fund sustains a clear additional loss to the extent of the principal and interest of whatever may be hereafter paid to them; and if this be, at present, the consequence of granting only 58,506*l.* 10*s.* per annum, the loss may easily be imagined which will eventually result from having granted 810,000*l.* per annum (for to that extent the life annuities have since been carried) on the very same erroneous measure of value.

"Now I humbly beg leave to represent, that the third and last statement is a mere question of fact which cannot be gainsaid. If doubted, it may instantly be set at rest by the most simple inquiry; as this much, at least, depends on no valuation of life by any table of mortality whatsoever, nor any other reasoning that is not within the most ordinary apprehension. By a reference either to the Bank or the Auditors of Public Accounts, it will most certainly be affirmed; and if so, I respectfully submit whether there is not matter for the most serious consideration."

Mr. Finlaison, eight years before, had forced the subject upon the attention of the then chancellor of the Exchequer (Mr. Vansittart), and had submitted to him nearly the same evidence. That wonderfully-gifted statesman contented himself with directing that measures should be taken to form more correct tables (a work of many years), and meanwhile allowed the expenditure to

run on. Mr. Finlaison made another effort, in 1823, to obtain from his lordship's successor some attention to the progress of the evil, but only obtained a repetition of the orders previously given him, to proceed in the formation of the tables, while the expenditure was still allowed to go on increasing. In 1825 the evidence we have described was produced and offered to the notice of ministers, but then a "greater degree of correctness was required." A great annual loss was not to be stopped until the extent of the loss was proved to the fraction of a farthing! Mr. Finlaison again went over his tables, and, as we have already stated, found the extreme difference made in granting an annuity by his several tables would amount to fifteen shillings in the hundred pounds; and, lastly, after having given evidence before the committee on Benefit Societies, he tried what was to be done with a new chancellor of the Exchequer. It seems that we are indebted, for the escape from future burthens of the same kind, entirely to the Finance Committee. Since there appears no sinister interest on the part of the government, prompting them to persevere in this system of expenditure, we can only conjecture that it was continued from mere aversion to change, and perhaps from a presumption that nothing valuable could be produced by a clerk with a salary of only five hundred a year, who, for aught that appeared, had never been at either university, written a nonsense verse, or scanned a line of Horace: perhaps it was deemed improper to encourage such suggestions from people of this description, as it might occasionally lead to a notion on their parts of superior aptitude and capacity, which would endanger the proper official subordination, &c. &c.

Connected with this subject, as part of the means of providing against the casualties of sickness and mortality, are the invaluable institutions of Benefit Societies and Savings' Banks. We shall here advert to another source of extravagant expenditure, which has been pointed out by Mr. Hume. The commissioners for the management of the National Debt pay four and a half per cent upon all deposits, whether received from Friendly Societies or Savings' Banks. We are ignorant of any good reason why the public should receive these deposits on other terms than those which would be settled between individual and individual in a common mercantile transaction. Admitting to the full extent the importance of giving encouragement to economical habits, we deny that the payment of bounties is necessary for such a purpose, or that more is requisite than to extend to the parties that superior accommodation, and greater security for investment, which it is in the power of Government to afford.

This we apprehend would form an inducement adequate to every salutary purpose. All that is given as interest, beyond the market-price of money, is simply a premium upon fraud. Not long after the Savings' Banks were brought into operation, the market-interest of money being below four and a half per cent, it was found that investments were made in great numbers by far different persons from those for whose benefit the institution was intended. Instead of reducing the rate of interest to the level of the market, and thereby taking away the motive to the commission of fraud, the legislature enacted, that no more than 200*l.* should be received from one person: that no person should make investments of monies at two or more banks, on pain of forfeiting the additional sum beyond a total of 200*l.* so invested, &c. &c. But it is only requisite to know the amount of the bounty which four and a half per cent, at the market-price of money, did then, and does now, afford, to be satisfied that these enactments are constantly evaded. When these institutions make a deposit of their savings in the hands of the commissioners for the management of the National Debt, the latter purchase stock with it in the market. The present price, eighty-six and three-quarters, will yield 3*l.* 9*s.* 2*d.* per cent interest, and as they allow to the depositor interest at 4*l.* 11*s.* 3*d.* per cent, the public are losing at the rate of 1*l.* 2*s.* 1*d.* upon every hundred pounds received: they lose in addition all the expenses of management. When a depositor can thus obtain for each 100*l.* deposited, as much interest as 131*l.* 19*s.* 7*d.* laid out in stock at eighty-six and three-quarters would bring in the market, even though subject to the risk of depression, it needs excite no surprise that these deposits amount to the enormous sum of upwards of sixteen millions of money. It is notorious that, in consequence of these inducements, the legislative enactments are set at defiance by persons who, besides their own deposits, make fraudulent investments in the names of the various members of their families, their relations, or their friends. Thus skilfully do our legislators attempt to cultivate good habits among one portion of the community, and succeed in promoting bad habits among another! The public are greatly indebted to Mr. Hume for having endeavoured to check this expenditure, which was indeed injurious to the labouring classes, by representing their surplus means as far beyond the real amount.

Before we quit the subject of the expenditure of public money with respect to these contingencies, we shall offer another specimen of the description of legislation, which we may expect from those who transact the public business by way of an elegant amusement.

The committee (the chairman of which was T. Peregrine Courtenay, Esq. one of the new administration) requested several actuaries, and amongst others Mr. Griffith Davies, to investigate the sufficiency of certain tables, and to state whether they considered the payment required upon them adequate for a society consisting chiefly of persons of the lower orders, and having the privilege of investing its funds at four and a half per cent. Mr. Davies declared the scale of contributions inadequate to provide for the annuities proposed, because he did not believe that such societies could make four and a half per cent compound interest upon their money. But we will give the committee's account of his objection, as well as their answer, in their own words:

'Mr. Davies's opinion is unfavourable upon two grounds; first, he states that the rate assumed will not in practice be obtained at compound interest; secondly, he thinks that an allowance ought to be made, in consideration of the annuity being paid weekly, whereby there is a loss of interest.

'Your committee are disposed to overrule these objections, because they apprehend that the arrangement of the debenture does insure to Friendly Societies, doing business upon a large scale, the means of realising compound interest on very nearly the whole of their funds; and the other gentlemen who have approved of the Dorsetshire tables appear to have taken into consideration the weekly payment of the allowance.'—*Second Report*, p. 8.

It appears from the last clause of the committee's answer that it would have been too much to expect of honourable gentlemen to take upon themselves the trouble of examining the not very difficult question whether there really was a loss of interest by paying the annuity weekly. It was easier to rely upon such testimony as happened to be given them. The answer contained in the other clause of the paragraph might have been given more plainly in these words. "Yes, four and a half per cent can be obtained by these societies, because it can be given, and shall be given, from the public money:" the question whether such an employment of the public money is advantageous, being one upon which they were not called to concern themselves.

We must, before we quit the subject of the management of the expenditure, connected with the contingencies of mortality and sickness, pay Mr. Morgan the compliment of a valedictory notice, and bestow a few remarks on his new pamphlet, which is intended as a defence of the conduct of his society, against those who have impugned its management, and its rates of insurance. In this pamphlet, and also in his answers given to

the Committee of the House of Commons subsequently to the publication of the new tables, he eminently displays the vicious habit of mind to which we have adverted, as characteristic of the majority of practical men, namely, obduracy to the reception of new evidence. This is a vice with which most men are more or less tainted, but the practical men of his genus are distinguished by its mischievous excess. When the Committee ask him his opinion respecting the tables framed by Mr. Finlaison, he says, "I have no opinion at all of them, I do not think favourably of them," but assigns no reasons for thinking unfavourably of them. In his pamphlet he holds this language, "Of those absurd opinions which have been lately entertained respecting the improved health and greater longevity of the human race, I feel no disposition to enter into the discussion" [very likely, discussion being, to his interests, dangerous]. "They do not appear to be supported by any documents of the least credit or authority" [!!], "and I have only to express a hope, that they may never be suffered to mislead this society" [*i. e.* to reduce its exorbitant charges to the public]. "From its first establishment, I know of but one instance of a person's dying at the advanced age of ninety-four, and not above three or four instances of persons dying at the advanced age of ninety; and the whole number of nonagenarians now existing, does not exceed seven or eight. As far, therefore, as the *Equitable experience* avails, this new doctrine has no foundation." Future returns may be expected to exhibit a greater number of nonagenarians, but the new doctrine is, that fewer people die in the earlier stages of existence, that more attain a vigorous maturity; not that more live beyond the extreme period he mentions, at which it may have been observed, most of the tables approximate. The fears of persons like Mr. Morgan cause them to exaggerate and misrepresent new opinions, and we expect to hear it proclaimed in derision, "That the philosophers have discovered we are to live as long as Methuselah, that sickness is banished from the earth, and the Millenium is at hand." We do not, however, impute to this gentleman any wilful misrepresentation; we believe that he is himself misled by his interests. Had he not been under the most extraordinary infatuation, he would scarcely have published a document such as is contained in this pamphlet, which furnishes a piece of the most striking confirmatory evidence the "new doctrine" could require. He actually sets forth [p. 41] as the one source remaining, from which his society derives its chief security and success, "the higher probabilities of life among its members, than those given in the table, from which its premiums are computed." "But,"

he says, "even the benefits derived from this source have their limit." "In a society composed entirely of young lives, selected from the general mass of mankind, the rate of mortality will necessarily be lower than in a table including lives of all descriptions.* In a more advanced period of its existence, the effect of this selection will gradually lessen, till, in process of time, the society will become like any other community, and subject to the ordinary laws of mortality" meaning, we suppose, to inform us, that they will not live for ever. "This is particularly exemplified in the following table of the decrements of life in the society during the last twelve years." The second column of this table represents the number of policies for the several ages; the third column shows the proportion of insurers who actually died; the fourth column exhibits the number who "should have died," had the Northampton table been correct.

| Age. | No. | Died. | Should have died. |
|---|---|---|---|
| 20 to 30 | 4,720 | 29 | 68 |
| 30 „ 40 | 15,951 | 106 | 243 |
| 40 „ 50 | 27,072 | 201 | 506 |
| 50 „ 60 | 23,307 | 339 | 545 |
| 60 „ 70 | 14,705 | 426 | 502 |
| 70 „ 80 | 5,056 | 289 | 290 |
| 80 „ 95 | 701 | 99 | 95 |

"Here," he says, "we see the probabilities of life in the society, which so far exceed those in the Northampton table in the earlier ages, continually approaching to them at a more advanced age, till, at last, arriving at an age at which no new members are admitted, they become nearly equal, and afford a striking proof of the accuracy of that table"!!!

The difference between the number who actually died, and the number "who should have died," on the one hand, shows the risks which individuals who insure upon rates founded on the Northampton table pay for beyond those they encounter; and, on the other hand, it exhibits the loss which Government has occasioned to the public, by the use of that table to form its rules for granting annuities. It is declared, for instance,

* If our readers will refer to the tables of Mortality we have given, and compare the experience of the Equitable Society with the Swedish table, they may estimate the effect of selection in presenting diminished chances of mortality, and give Mr. Morgan credit for it; and they will then perceive how considerably his own table of decrements yet makes against the Northampton table, on the experience of all the great majority of lives under 70.

on this table of decrements, that where sixty-eight should have died, had the Northampton table been now applicable, only twenty-nine have died, consequently, if these parties, instead of being insured, had been Government annuitants, the public would have been burthened with thirty-nine annuities beyond the number calculated upon. We may say more than thirty-nine, because the lives of annuitants are better than those of insurers, because it is rare that an individual purchases an annuity who does not believe himself to be in good health, and of sound constitution, to enable him to enjoy it for a long period. Annuitants are also, in most cases, relieved from the painful anxiety which generally attends the pursuit of a livelihood, and more or less diminishes the duration of life amongst large classes.

More complete and satisfactory evidence of the improvement in the value of life among the classes whose condition and habits have improved, could not well be obtained. But still the lives of Government annuitants, and the navy and army pensioners, are to be considered as select lives, and we are left to conjecture how far they may, or may not, be applicable to determine the chances of mortality among other classes. The Northampton, the Swedish, the Carlisle, the Equitable, and the Government, tables, differing as they do considerably, have each their advocates, as being most applicable to govern societies for insuring the labouring classes of the community. We are inclined to agree with the conclusion of Dr. Mitchell in favour of the Swedish tables, as being probably the best adapted to represent the chances of mortality amongst the labouring classes. We question whether the Chelsea and Greenwich out-pensioners are to be considered, relatively to others of the labouring classes, lives of the "very worst" description. "Many of these men," he observes, "had no doubt suffered in their constitutions from service in foreign climes, and some from severe wounds; but, on the other hand, we are to recollect that the men who enter the army are admitted, not as the sticking-bills of the recruiting serjeants express it, for good character and education, but for good stamina and vigorous constitutions; so that, taking one chance against another, we may expect the lives of the Chelsea and Greenwich out-pensioners to be better than those of the ordinary mechanics and labourers of the United Kingdom. Now the chances of the pensioners of Chelsea College are at any age better than those of the Northampton tables; and, after fifty, are as good as those of the Carlisle tables." The Carlisle correspond very closely, as may be perceived, with the Equitable

tables, and the Equitable tables are founded on very select lives. Therefore the Carlisle and the Government tables, in all probability, present too favourable a rate for the classes who form benefit societies, and the Swedish are the most applicable as giving the probabilities of the life more favourable than the Northampton, and less favourable than the Carlisle, tables.

The mean chances between classes who differ widely in their circumstances, or the averages formed from the mortality which obtains in large classes, are obviously inapplicable for the safe guidance of any but Institutions of great magnitude. The desideratum is to ascertain in what degree mortality is influenced by particular trades and avocations, and by the circumstances under which various classes have been placed. It is only in Paris that the collection of any satisfactory information of this kind has been attempted. From the First Report [p. 169] we learn that M. Villermé made a comparison of two arrondissements of that capital; of the first arrondissement, which contains the largest proportion of wealthy people, and the twelfth, which contains the greatest proportion of poor people. The total difference is such, that when fifty people die in the first arrondissement, one hundred die in the twelfth. There is one birth annually for more than every thirty-two inhabitants of the first arrondissement, and one in twenty-six of the twelfth, and yet there are not more children from the age of 0 to 5 years in the last than in the first, a proof that the poor bring forth more children than the rich, but preserve fewer. From a paper compiled by the same gentleman from the registers of the hospitals at Paris, it is made to appear that disease is not more frequent among the poor than among the rich or middling classes, but it is more frequently fatal to the former than to the latter, and the gradations of wealth, or the means of providing comforts, may be almost taken as the scale of mortality; thus, in the higher classes of workmen, such as jewellers, printers, and compositors, who enter the hospital, one in eleven dies; whilst among the shoe-makers or brick-makers, one in seven is the average mortality; of the stone masons, one in six; of the common labourers, one in five; and of the poorest classes of all, the porters and rag merchants, one in four: amongst the soldiers, who are in more favourable circumstances, not one in twenty; a fact which corroborates the observation of Dr. Mitchell that the lives of our soldiers are better than those of the average of artizans. Our soldiers are in general better lodged and fed than those of the French army: we may infer, therefore, that their lives are better. The baleful effects of poverty were most perceptible in the greater mortality among the aged, and

the very young;—a proof that poverty and bad diet, which weaken the general constitution, must be always taken into account as one of the predisposing causes of mortality.

Mr. Villermé has also made some highly valuable researches to ascertain the amount of mortality in the whole of the prisons in Paris. He has proved that the average annual mortality in prisons is about one in twenty-three, and from this fact, comparing it with the average mortality in France, he concludes, that to be sent to prison one year is equivalent to a deprivation of about twenty years of life. This would by no means apply to imprisonment in this country, where prisoners are often better lodged and fed than the classes out of prison, from whom they are taken. It would be of the highest service in a legislative and judicial point of view to make a similar inquiry, in order to determine the average mortality which prevails amongst the various classes of prisoners, that, from the results, the effects of various modes of punishment might be ascertained. Such an inquiry should be extended to the prisons for debtors, and we have no doubt that the facts elucidated would startle the public. Will any Howard, any Villermé, in this country ever investigate the average mortality among the suitors in Chancery? Having witnessed individual instances of the ravages of its process on the health of suitors, and seen a suit attended with more deadly effects than a fever, we seriously believe that the amount of the deprivation of life among the victims of that horrible Court would be found equal to the loss of life in any hospital in the metropolis.

Little was done, compared with what the committee might by a small expenditure of labour have effected, to procure information similar to that obtained in Paris by M. Villermé. They contented themselves with idly observing in the first report, "it must be owned that no extensive information has hitherto been collected as to the duration of life among the lower orders; and it is obvious that neither experience drawn from the higher and middling classes, nor results taken from the army, or from the London hospitals, can be depended upon in reference to the general mass of the manufacturing population."

Mr. Finlaison stated to the committee [*Appendix to the First Report*, p. 138], that "materials exist, however, which may be furnished with facility for estimating the sickness now actually prevailing among the labouring classes to a degree probably of very considerable accuracy. There is in the Navy Pay-office a pay-list received annually from each of the seven dock-yards, containing the age of every workman, artificer, or labourer, in

those great establishments, the amount of his wages or earnings in the year, and the number of days in which he received no wages, by reason of sickness, the fact of such sickness being always verified by the public medical officer. I have not been permitted to avail myself of this document extra officially, else I would now have submitted the result to your honourable committee." On a cursory view of the document, he found the amount of sickness among those under fifty to coincide very closely with the average of sickness reported by the Highland Society. He suggested that further returns should be made, and other materials for the formation of tables collected, from the various dock-yards, and from every regiment in the service. He was permitted to inspect some returns made to the adjutant-general's office respecting the sickness prevalent in the army, which appeared to be thrice the average amount found by the Highland Society to prevail among the members of benefit societies in Scotland. As, however, it is well known that soldiers, during peace, live better than the majority of workmen, there must be much imposition practised to make the amount of sickness appear, on these returns, to be so considerable in the army. The best, and almost the only data we have to judge of the probable amount of sickness among the labouring classes in Great Britain, are, the returns obtained by the exertions of the excellent society to which we have just alluded. This society procured returns from seventy-nine benefit societies situate in sixteen counties of Scotland. These returns were made up from the books kept during various periods, in some instances extending from 1750 to 1821. The aggregate number of members on the books of the respective societies was, 104,218. The first table ever formed to exhibit the probable annual sickness which a labouring man will sustain through life, is to be found in an able report drawn up by Mr. Oliphant for the society. The results stated are, that a working man will experience in a year, at

| Years of Age. | Sickness. | Years of Age. | Sickness. |
|---|---|---|---|
| 21 ... ... | 4 days | 66 ... ... | $5\frac{4}{10}$ weeks |
| 46 ... ... | 1 week | 67 ... ... | $6\frac{6}{10}$ weeks |
| 57 ... ... | 2 weeks | 68 ... ... | 8 weeks |
| 63 ... ... | 3 weeks | 69 ... ... | 9 weeks |
| 65 ... ... | $4\frac{4}{10}$ weeks | 70 ... ... | 10 weeks |

The proportion, after that period, goes on increasing rapidly, at a rate that puts the individual beyond the means of assurance possessed by any of these institutions. The society endeavoured to ascertain also, the different degrees of intensity to be expected

in this sickness, and they state, as their nearest approximation, that, of ten weeks of sickness amongst persons of all ages under seventy, two may be assumed as bedfast sickness,—five as walking, three as permanent sickness.

In addition to the returns which Mr. Finlaison suggested, others no doubt might have been obtained from the East India Company, of the amount of sickness which prevails among the great number of workmen whom they employ. Other public bodies, the Dock companies for instance, probably keep exact accounts of the time during which the labourers whom they have in their service are absent in consequence of sickness; and from these and other such sources, highly valuable information might have been collected by the committee, but it seems they did not think it a matter worthy of any trouble, since we do not find in the Second Report, any of the returns suggested by Mr. Finlaison. They took the easiest course, and adopted, on speculation, a set of tables grounded upon an estimate of sickness considerably higher than that which results from the inquiries of the Highland Society. We would recommend to the philanthropy of private individuals, or to the industry of similar societies in England, the task of obtaining correct returns of the nature and extent of the sickness which prevails among various classes of our artizans, who might with no great difficulty be brought to keep correct accounts of the facts which it is desirable to collect. If the sickness consequent upon different sets of circumstances were accurately recorded, the operation of causes which cannot now be clearly detected in single instances, would be pointed out for removal; as, in the numerous cases where classes of workmen sustain unnecessary injury to their health from want of precaution, and from methods of working which admit of change. Returns displaying, as they must do if collected properly, the consequences of vicious peculiarities and habits, would effect more in the way of reformation with the old, and of prevention with the young, than the most inflammatory preaching that could be brought to bear upon them. The utility of such returns would be greatly augmented if they were accompanied by accounts of the wages received contemporaneously by each class, and the prices of their most common food, together with every material change in any of the circumstances affecting their condition.

The last departments of the subject to which the space allotted to us permits us to allude, are the probable prolificness of marriages, and the mortality to which the children produced from them are liable. The attention of the committee was much occupied on these topics, yet but little information of value was

elicited from any of the witnesses, except from Dr. Granville, a physician and accoucheur of very extensive practice, connected with several public institutions. The evidence of this gentleman, we must do him the justice to state, distinguishes him from the general class of practical men, as one of an active mind, not contented with the facts which his mere routine might present, nor confined in its exertions to that which an immediate, a narrow, and sordid interest might require, but capable of estimating justly the value of his opportunities for the acquisition of knowledge, and disposed to avail himself of them for the advancement of science and the good of mankind. From the evidence given by some of the practical men examined, we might, if our limits would permit, display numerous examples of hasty generalization, and the formation of bad theories, and illustrate the remark of Dugald Stewart, "that the simplest narrative of the most illiterate observer involves more or less of hypothesis; nay, in general it will be found, that in proportion to his ignorance, the greater is the number of conjectural principles involved in his statements." From the testimony of this witness, we might, on the other hand, display the first stages of the process of forming a legitimate theory, by diligent investigation, and the sagacious comparison of a variety of phenomena; and we could shew what the vulgar (who talk of the separation of practice from theory, as if there could be good practice without sound theory), do not seem to be aware of—that to be a tolerably good theorist presupposes a knowledge of connected and well-ascertained facts, more comprehensive by far than the man of mere practical routine is likely to possess. But the space allotted to us will only enable us to notice a few of the general results of his observations, so far as they have proceeded. His opportunities for observation were very considerable. The number of cases which came before him professionally were numerous. With reference to women, the numbers of cases were, at the Westminster Dispensary, during seven years and one quarter, 7,060; at the Benevolent Institution, during three years, 2,755 cases; and at both these institutions, with respect to children, 9,000; while at the Royal Infirmary for Sick Children, no less than 5,640 cases came before him, giving a general total of 24,450 cases for observation. He submitted the register of a considerable number of these cases to the committee. The "practical men" who were his predecessors at these institutions, had merely troubled themselves to ascertain the name and age of the patient, whether she had produced a boy or a girl, and what was the date of its birth. Dr. Granville observes,

'As my attention had been frequently directed to the statistical questions of the increase of population among the poor, I thought that the public institutions I belonged to might be made available in obtaining the information to which I have just alluded, and I therefore established these analytical registers, in which, under particular heads, and in separate columns, I enter the information that the mother gives me.'

For this purpose the Doctor puts a multiplicity of questions, to ascertain the earliest age at which women of the poorer classes marry,—the number of children they produce in a given period,—how many of those children may be expected to die within a given period, and of what diseases,—at what period of life married women among the labouring classes are the most prolific,—at what time they cease to bear children,—what is the influence of the occupations of the parents on the health of the offspring,—what is the effect of locality, under the head of residence, among the poor, besides a number of other questions on medical as well as statistical points of inquiry, the answers to which he registers in the manner he has described. He submitted to the committee the registered cases of 876 women, for the truth of whose statements he possessed the most satisfactory securities; but in all other respects they were taken indifferently. The following table, derived from their answers as to the age at which they respectively married, is the first ever constructed to exhibit to females their chances of marriage at various ages. Of the 876 females there were married,

| | | Years of Age. | | | Years of Age. |
|---|---|---|---|---|---|
| 3 | ... ... | at 13 | 28 | ... ... | at 27 |
| 11 | ... ... | – 14 | 22 | ... ... | – 28 |
| 16 | ... ... | – 15 | 17 | ... ... | – 29 |
| 43 | ... ... | – 16 | 9 | ... ... | – 30 |
| 45 | ... ... | – 17 | 7 | ... ... | – 31 |
| 76 | ... ... | – 18 | 5 | ... ... | – 32 |
| 115 | ... ... | – 19 | 7 | ... ... | – 33 |
| 118 | ... ... | – 20 | 5 | ... ... | – 34 |
| 86 | ... ... | – 21 | 2 | ... ... | – 35 |
| 85 | ... ... | – 22 | 0 | ... ... | – 36 |
| 59 | ... .. | – 23 | 2 | ... ... | – 37 |
| 53 | ... ... | – 24 | 0 | ... ... | – 38 |
| 36 | ... ... | – 25 | 1 | ... ... | – 39 |
| 24 | ... ... | – 26 | | | |

It is to be borne in mind that the females whose relative ages at the time of their marriage are above exhibited, were all of the lower classes. Among an equal number from the middling

or the higher classes we should not probably find so many as 195, or more than one-fifth, married under the age of 19; or so few as one-sixteenth part after 28; or only one-thirtieth part after 30. From these 876 marriages there had been, previously to the then existing pregnancies, 4,621 pregnancies; of which number 655 had miscarried; 176 were still-born; and 2,914 children were born alive. Thus there may be said to have been 3,966 births, or an average of 4½ to each marriage. Of these 1675 children survived. He had no means of ascertaining what proportion the marriages which were unproductive bore to those which were productive. Mr. Malthus gives 4¼ as the average number of children produced from each marriage. Dr. Granville found, that, during the whole time at which these women continued to bear children, they had each two children in about four years. Considerable exertion was bestowed by the Doctor to determine what effect the age at which a woman married had on the number of children she produced. He observes,

'It is a curious fact, that if a woman marries at twenty-one or twenty-two, and is placed under precisely similar circumstances for the following fifteen years as women at fourteen, fifteen, and sixteen marrying at that age, may be supposed to be under, will produce the same number of children as the latter would, though the party marry seven or eight years later; and the reason is this, that those who marry very young cease either sooner, or go a great number of years without children. When they arrive at twenty or twenty-five years of age, they will stop till about thirty, and begin again; whereas, the age of maturity at which a woman is most prolific appears to be about twenty; and there seems to be no stoppage, except disease steps in—going on regularly, every two years, or, if she do not suckle, every year, until she arrives at forty or forty-two years of age, which is the usual period for it to terminate.'—*Second Report*, p. 42.

He found that the permanent ordinary state of health of the father, as well as of the mother of a child, had a greater influence on its health than was commonly suspected. The witness had made greater progress in the collection, than in the operation of theorizing his facts; and on several points he abstained from stating his conclusions to the committee, as he did not consider that he had yet attained the requisite degree of completeness to warrant him in promulgating them. We trust that he will persevere in his most useful and singularly meritorious labours, and we anticipate, that when they are submitted to the public, the results will be found highly important.

The Committee gave more than usual attention to a scheme, set on foot for the purpose of inducing unmarried men to pay a certain sum annually, on condition that every child resulting

from any marriage he might subsequently contract, should, when it attained a certain age, be entitled to a certain sum of money, or a certain annuity. On the practicability of this scheme Dr. Mitchell observes —

'It is not likely that single men will be induced to pay down a sum of money, or to contribute annually for such a contingency. And if ever any considerable number of single men in this country should become so prudent as to do so, it may be questioned whether, with so much prudence, we should have so many marriages as at present; and we may expect that, in that case, the amount of population, now so overwhelming, would be reduced to so healthy a state as to raise the price of labour, and enable a man to support his family without such assistance. It is, perhaps, unnecessary to occupy time to shew this scheme to be undesirable in its effects, as it does not appear likely ever to be carried into practice.'

The data were found insufficient for the establishment of any safe theories on the subject. As an instance of the ruinous extremes to which practical men are carried when they have no sound theories for their safe guidance, we may mention the circumstance that a case was submitted by the committee to Mr. Morgan, to determine the allowance that should be made on an assurance for each child produced from any marriage. He declared that 5*l.* a year might be given to each child. The very same case was submitted to Mr. Francis Bailey, and he answered, that 19*l.* 15*s.* a-year might be allowed for each child.

We have now adverted to the chief subjects relative to population and the duration of life, on which the committee made inquiries. These subjects begin to excite some degree of interest, and we have been compelled to go over the whole very imperfectly, that we might not be too late to give whatever aid may be in our power, to any discussions which might take place on the formation of more equitable provision against the contingencies of sickness and mortality amongst those classes who are yet sufficiently independent and virtuous to desire to live only on the fruits of their own honest industry. The evidence contained in both reports is highly deserving perusal, as shewing how much remains to be accomplished on almost every point. Dr. Mitchell's treatise comprises the substance of the information relative to the provisions against casualties of sickness and mortality, put into a shape to render it available to the labouring classes. He has interspersed the facts with useful suggestions, of which they stand in great need, for the most prudent investment of their money. It is well known that, hitherto, works on such subjects have in general been profitable nearly in the

inverse proportion to their utility; and, therefore, when we find them written for the use of those classes, and published, as we learn this is, at the author's own expense, we are bound to hail them as the results of extreme benevolence.

Mr. Milne, who, since the days of Dr. Price, has written most extensively and ably on these subjects, in explaining to the committee why he had not accomplished some investigations of scientific importance, made some observations which sufficiently account for the little progress made in this and several other departments of knowledge. He states:—

'Subjects founded on general calculations such as I have made require a great deal of attention, and when all that has been done, the author must publish them at his own expense, and I am satisfied they will never pay him interest on the money they cost to make them. What I have done, I have done with great ardour, but the sale of such works is so confined that it will not pay, and I do not think that a man's success in life is promoted by the publication of them. But I beg to make a further remark. Such calculations enable those who pay attention to them, to make estimates of the value of property depending upon the contingencies of human life; they consequently have occasionally cases laid before them, for which they receive fees, and those fees afford them some compensation for the trouble and time they expend upon them. But these societies, when they apply in that way, cannot afford to remunerate them, although there is a great deal more trouble than in other cases.'

These form the description of circumstances under which the Society for the Diffusion of Useful Knowledge will come into the most beneficial operation. We are happy to observe that the knowledge of these contingencies, and its application, are among the subjects which have attracted the attention of that society, and we trust that in this department of knowledge it will perform its duty to the public efficiently. We do not despair of seeing the government brought to a stronger sense of the paramount utility of proper information on these questions, and driven to the adoption of better measures for enabling the societies to manage their affairs beneficially. We have the encouraging testimony, given in the Committee's first Report, from the men of science composing the Philanthropic Societies in France, that, "*à mesure que les connaissances utiles se sont répandues et ont influé sur les actes de l'administration, les grandes mortalités de la capitale sont devenues beaucoup plus rares.*"

ART. VI.—1. *To-day in Ireland, The Carders, Old and New Light, Connemara.* In 3 vols. London. 1825.

2. *Tales by the O'Hara Family.* 1st and 2nd Series. London. 1827.

3. *The O'Briens and the O'Flahertys.* A National Tale, by Lady Morgan. In 4 vols. Second Edition. London. 1828.

4 *Tales of the Munster Festivals, containing Card-drawing, the Half-Sir, and Suil Dhuv, the Coiner.* By the Author of "Holland-Tide, or Irish Popular Tales." In 3 vols. London. 1827.

5. *The Croppy; a Tale of* 1798. By the Authors of the O'Hara Tales, &c. In 3 vols. London. 1828.

THE remark that, as society advances in refinement, it affords less copious and less interesting materials for popular works of fiction, must, like most such critical common-places, be admitted, with considerable limitations; for though security and order are entirely incompatible with the occurrence of such striking situations and incidents as gave life to the Italian Novelle, or, according to our present notions, even with such adventures as hedge-ale-houses and highways once supplied to Fielding—though wealth and vanity have done their usual work amongst us; spreading servile imitation of a fashionable model far and wide through every class of the community, and reducing all distinctive traits of character and manner to one polished and conventional level—yet there always will be corners and recesses of the land where modern sophistication is as much unknown, as is the Bow-street police in Connemara—there will always be a remnant of the people on whom the stimulants of petty ambition work too weakly to efface individual and national peculiarities. These will furnish matter of description to the novelist, more attractive even for ordinary readers than the antiquarian store of old costumes and traditions, or the mere monotonous round of what is called good society. Nor will the graver student need to disdain those records of vulgar idiom and obscure existence which, though contented with the modest style and title of "Tales," may yet afford useful hints to the historian and the moralist.

An uncommonly fertile soil for this imaginative culture is offered in the past and present state of Ireland. In England the occasional attempts of Fielding to excite interest for personages hanging loose upon society, and, therefore, presenting bolder traits of character than the generality of writers would have dared to depict, have, of course, been pretty liberally stigmatized as vulgar, immoral, and in bad taste. In Scotland, the

endeavours of sir Walter Scott to commemorate the stirring and zealous times in her history, have always appeared to us an utter failure—the more conspicuous when contrasted with his splendid success in delineating the quiet shrewdness of the modern Scottish peasantry. But the novelist of Ireland may dare bolder undertakings than either of these celebrated writers, free from all the disadvantages which hindered their efforts. He may exhibit human minds in bitter warfare with the actual state of things in that country, without fearing to be frowned on as a minister of dangerous and morbid excitements—for the passions which inflame a whole people must claim respect even when they force not redress. He has the melancholy privilege of drawing from the life, those passages of violent and terrible interest which the inhabitant of a less-disturbed land must seek for in the records of history. And if he be influenced by a truly patriotic spirit, he may feel himself contributing to force his country's griefs on the attention of her indolent oppressors, and on the credence of remotest future ages.

Our attention in the order of time as of gallantry, is first due to Miss Edgeworth, and to Lady Morgan, as the first efficient labourers in the field before us. The writings of the former of these celebrated ladies are too generally known, and have been too often criticised, to call for any more than passing notice at this moment, when no production of her pen comes properly before us. It seems, however, right to say something of her claim to be the *mother* of the Irish novel—a claim supported by the opinion of a celebrated contemporary, who considers her's the "finest family of children in the empire." In expressing some doubt if this proud title have been altogether merited by Miss Edgeworth, we cannot be supposed to call in question the general and long-acknowledged value of her works: nor do we dispute the genuineness of her admirable specimens of Irish gentility, or the local honours and reality of Castle Rackrent and the Black Islands. But we do say, that when Miss Edgeworth quits genteel society, of which she seizes and exposes all the foibles so inimitably, and extends her views of life beyond the circle she has moved in, her ideas of the actual state and temper of the people are somewhat superficial and lady-like. She seems to have some notion that her poorer fellow-country-men are deficient in sundry articles of clothing and cleanliness—that the pig is an admitted parlour-boarder, and the middleman an occasional visitor of their cabins. She is farther of opinion, that an old hat or great coat is an objectionable substitute for a pane of glass—that the interior of a cottage is improved in comfort, by the attachment of fastenings to the doors and windows—"that

the more one sickens, the worse at ease he is; and that he who wants money, means, and content, is without three good friends." But Miss Edgeworth is about as fitly qualified to describe the situation of the Irish people from mere occasional observation of their external habits and appearance, as was a more illustrious female, Madame de Staël, to write correctly on the French Revolution, after seeing several mobs from her windows, and shining in the aristocratico-democratic circles of 1789.

Lady Morgan, like Miss Edgeworth, is well known to general readers, and like Miss Edgeworth has not seldom had the epithet *masculine* applied to her writings with no friendly meaning. This imputation, however, upon each of these ladies does not appear to rest on very similar grounds: Miss Edgeworth is called masculine on account of her anxiety to display consummate knowledge of the doings of the male sex—their pleasures, their pursuits, and professions. Lady Morgan would appear to have incurred this charge by her evident disdain of many of the sentiments and prejudices of her own sex; by her free and frank details of female error and frailty; and, finally, by her spirited adoption of opinions of her own upon many points, with regard to which, the orthodox have decreed, that no female upon any pretence should hold any opinion underived from authority. For ourselves, we cannot say we feel the slightest objection to the masculine propensities of either of these ladies, so far as unaccompanied by ignorance or affectation. We are willing to accept as much instruction as Miss Edgeworth can afford us on the conduct of our own sex: we only deprecate the tiresome repetition of professional and technical details, and the absurd exaggeration of dissipated habits. Nor do we quarrel with lady Morgan for unveiling every petulance and folly which our reverence for the sex would have otherwise forbidden us to know any thing about, so long as we are sure that no caricature touches are added for the sake of effect. We should, however, take more pleasure in the powers of conversation which she lavishes on all her favourite heroines, if the dialogue were a little less ambitiously adorned with apt and unapt quotations from every modern language of Europe.—And we should have quite as high a notion of the political information and talent of our authoress, if we were not quite so frequently treated with a lecture on liberty apropos of lace-flounces, or a discussion of the various forms of government on occasion of a dirty walk in Back-lane, Dublin.

That culpable class of readers, among whom we ourselves have too frequently deserved to be numbered, who have the habit of beginning a book any where, except at the beginning,

are, we fear, not likely to make the "O'Briens" the first exception to their general rule. The first half of the first volume is filled up with epistles between a certain general, count sir Malachi O'Flaherty, and half a dozen of his relatives in Ireland. These epistles, with the best faith in the world, have we endeavoured, but in vain, to peruse, although we feel they are important to the subsequent narrative, and are besides, we are assured, entertaining in themselves. Notwithstanding all this,—we cannot read them. In fact, letters, we think, need all the charms of sentiment which Richardson or Rousseau could impart to them to render them endurable—in print at least. Having, however, cleared this stumbling-block, we found no other obstacle in the way of our perusing lady Morgan's four volumes, unless we should except some sixty pages of extracts from a certain antique chronicle, called the Green Book of St. Grellan, which, more modestly than other Irish histories, embraces no earlier epoch than the year of the world 500.* Some sections of this veracious scroll are very amusing, particularly the narrative of the General Deluge, and of the "Great Protestant Rebellion in 1690, headed by the prince of Orange." But, on the whole, it is, perhaps, too long an episode in the main plot, which is elsewhere full of intricate variety. Whether it is a review of volunteers in the Phœnix Park, or a party at the Castle, or a masquerade, a meeting of united Irishmen, a riot in Dublin, or a jug day at Bog-Moy—in every change of scene and situation, our authoress wields the pen of a ready writer; and, we are happy to add, appears to have met with equally ready readers, as we see the book has already reached a second edition. Whatever part in its success may be attributable to the previous reputation of the authoress, we feel assured there will be yet a large remainder, which will constitute a triumph more enduring than any that has ever been achieved by mere brilliant versatility of talent diffusing itself over strange and foreign domains. Lady Morgan is *at home* in Ireland; and, however we may differ from her on points of dry reasoning on the past and present state of that country, we cannot hesitate for a moment in acknowledging the truth and animation of her portraiture of its natives—and we are tolerably sure, that those who will blame with most vehemence, the pretended *personality* of some of her descriptions of the past and present arbiters of its destiny, will not be those who feel the least acutely, that such likenesses are drawn from a *class*.

* To give a regular account of the first inhabitants of Ireland, I am obliged to begin at the creation of the world."—Dr. Keating's *History of Ireland*.

In our estimate of national tale-writers, we do not know exactly where to place the author of "To-day in Ireland?" His observations on the superficial aspects of character are not so rapid and extended as Miss Edgeworth's, nor are his sketches of society so brilliant and amusing as those of the authoress of the "O'Briens." But he evidently possesses a mind accustomed to speculate with some acuteness on the springs of human action; and when, leaving general topics, he is led by his subject to remark on the peculiar state and evils of his country, he displays a clearer sense of the disease and its remedies, than the greater number of those who have of late years considered it, either as a matter of fact or of fiction. Nothing can be truer to the life than his portraits of those whose indolent or active maleficence is chargeable with such a dire amount of misery in Ireland—his Curate Crosthwaite is a worthy elder brother of lady Morgan's matchless Archdeacon Hunks; and all the inferior plotters are hit off with so much spirit, as to be a perfect guarantee of their fidelity to the original. Yet, notwithstanding the deliberate disapproval with which this author views the conduct of his own class in Ireland, the conclusions of his mind and of his affections are so at variance, that while quietly narrating such proceedings of the rulers as could hardly be denounced with adequate terms of reprobation, his direct expressions of dislike and contempt are very commonly reserved for the people. Instances of this obliquity of moral vision will be found throughout the work: but we would beg more particularly to refer our readers to the rendezvous at Ardcross, and the attack on Plunket's-town. On the latter of these occasions, an access of aristocratic anti-popular feeling really seems to deprive the author of all benefit from the decision of his clear and strong intellect. We must, in charity, suppose that he has lost some friend in the manner he narrates so vividly, in order to account for the extravagant execration which he showers on the misguided insurgents. For, in the first place, it appears from the story, that no murder was deliberately intended—and secondly, the magistrate, whose mildness of character is made so black an aggravation of the horrors of his fate, had been previously described to us, as giving his assent to every irritating measure of his colleagues. To say the truth, although it may appear somewhat harsh, we could almost with equal ease imagine this intelligent and pleasing writer a censurer or sharer of the crimes of his class—enjoying or exposing those unhallowed orgies which precede some act of military violence—conniving at oppression (like his own Mr. Plunket) where it might be looked on as ungentlemanlike to oppose it—or unfolding it to the world at his leisure

on hot-pressed paper, and in elegant types. It is difficult to look on him in any other light than as a sort of *diable boiteux*, caring little for men's doings, excepting as mere matter of amusement, or rather, though the comparison may well seem extravagant, he might be likened to the Melmoth of Maturin, taking part, but no benevolent or sympathetic part, in the actions and the passions of humanity, and ready either to deride the Inquisition in the chamber of its hopeless captive, or to act as an assessor in its own tribunals.

A writer of a very different stamp is Mr. Banim, the author of the O'Hara Tales, who is distinguished from his rivals by a peculiar gloomy character which pervades his whole writings, and even tinges his pictures of natural scenery. Description in the hands of some writers is nothing but an orderly methodical enumeration of the several objects set before their eyes in a landscape, beginning at one side of it and working to the other, like a school-boy at his lesson of drawing. To these is applicable the censure of a recent ingenious author.* "Description, when it is merely descriptive, is essentially unpoetical, and unimaginative; for the imagination proceeds not by the aggregation of parts, but by the comprehension of wholes: to be imaginative, then, a description must in some measure animate and impersonate, or at least verify what it describes." Some describe objects new and strange to them by a reference to others which are known and familiar, as Leigh Hunt compares the foam of the Atlantic to whipt syllabub, and the deep blue transparence of the Bay of Naples to the bottles in a chymist's window. Mr. Banim's Natural Scenery is remarkably in unison with the wild and gloomy moral features of his works. If the summer's sun spread unbroken light and silence over a solitary and deserted valley, it is the haunt of some unearthly visitant —the scene of some provincial superstition. If the moon flares broadly on the face of a night-wanderer, it is to identify the features of an outlaw or murderer—if the face of night suddenly changes, the stars become extinguished, and the wind howls through the leafless branches, it is to solemnize the moment when the hand of wild justice descends upon the head of an oppressor. Such are not the only lineaments which indicate the native of a troubled and unhappy region. An air of undefinable unquiet—a pressure all around of reckless passions and strange impulses—are felt amidst his least tumultuous scenes and characters. But when he comes to those designs and deeds of violence which must so often engage the novelist and his-

* *Guesses at Truth*, vol. ii. p. 273.

torian of Ireland, and some of which he has evidently taken from the life, the narrative sweeps as fiercely on as that wild cavalry, whose midnight gallop we accompany with the author—over ground where none but native guides could lead—beneath a sky whose hoarded hurricanes all might shrink from, save those who had found nature in the worst of her tempers, less pitiless and remorseless than man.

The great merit of this author, as of Fielding, is that, with every mode of existence he describes, he has an intimate and real acquaintance—not a lofty condescending acquaintance, like that of many fine ladies and gentlemen with the inmates of a poor man's cottage—not a profligate unseemly acquaintance, like that of certain high-bred youths, whom one has heard characterized by the objects of their gross familiarities, as having not a bit of pride about them—but a natural affectionate sincere acquaintance, springing up among familiar tales and faces in childhood—matured by common interests, and duties, and wrongs. Mr. Banim, we are told, is a Catholic—we are sure he is a true Irishman—and not more bitter are his retorts upon the contumelies and calumnies of the new Apostles of the Irish Reformation; their utter ignorance of human as of Irish nature—than his exposure is complete of the inhuman class-morality, erected by the ruling few to veil their own tyranny. Not that in his hatred of oppression he dissembles the vices of the oppressed—vices in a great degree produced by the misconduct of those who are most eager to condemn and punish them—but the openness of his eyes to the errors of his countrymen does never alter the compassion of his heart for the erring; and there is no where a stronger contrast between the spirit of two writers, describing, with not very unequal talents, similar scenes, and expressing nearly similar opinions of their nature and the causes of their occurrence, than is exhibited in the description of the Carders' assemblage at Ardcross, and of a similar lawless multitude in Crohoone of the Bill Hook. We have already, with some explicitness, declared our opinion that the feelings which are habitually nourished by the former author suspend in him on such occasions all sense of equity, and even of his vocation, as a painter of character. Mr. Banim, on the other hand, while exposing most unsparingly the useless violence and insane ferocity of the insurgents, yet does it after the only preparation which can be properly said to justify one human being in passing sentence of reprobation on the conduct of another—that is to say, after taking pains to discover the motives and mental processes which led to that conduct—we will say more—momentarily entering by sympathy into the very mind and feelings of the miserable offender.

These merits of our author are, however, not entirely unalloyed with faults, which naturally next come under our review; as indeed they are, to some extent, the natural excesses of the qualities which constitute so much of those merits; which give so much of vigour and originality to his writings, and which qualify him so well for interpreting the outward and visible signs of national character. Thus the consciousness of power in the description of unhallowed and unregulated impulse, appears to draw him often away from contemplating those feelings of a more pleasing kind, to comprehend and to delineate which is so necessary a condition to the attainment of perfection in his art. Thus the boldness and minuteness of detail, which give reality to his frequent scenes of lawlessness and violence, are too often forced close upon the verge of vulgar honour and of melo-dramatic artifice. To be brief, throughout the whole of his writings there is a sort of overstrained excitement, a wilful dwelling upon turbulent and unchastened passions, which, as it is a vice most often incident to the workings of real genius, more especially of Irish genius, so perhaps it is one which meets with least mercy from well-behaved prosaic people. We do not mean to say that this blemish obtrudes itself in Mr. Banim's writings, as in the phantasmagoric pictures of his countryman, Maturin, or the somewhat perverse colourings of society and manners by the author of St. Leon and of Caleb Williams: but that it does exist in his writings, we appeal to the sensations of his readers; and this author will assuredly, one day, either see or feel it as the greatest obstacle to the effect of his extraordinary powers. Any other mistake in an author, about the processes and nature of the human mind, will more easily obtain forgiveness than an ill-toned or importunate appeal to the feelings. The metaphysician rarely is made to answer severely for his merely general, impersonal, and abstract blunders. The tale-writer, whose fable is improbable, whose characters are even unnatural, so far as many actions are concerned, which the dire necessity of the narrative compels them to perpetrate, may, and often does, atone for such delinquencies, by novelty of incident, and liveliness of dialogue. But the author who has struck a wrong chord of moral sentiment, or who has struck too sharply on a right one, has erred in the eyes of many men beyond forgiveness; and that, we believe, less from the idea of imperfection in a work of art, than from the idea of imposture and hypocrisy in the author. They are angry for the sake of their own mental repose with one who seems to play and practise on their feelings, instead of giving out his own as they arise within his breast,

and trusting to the unforced sympathy of others; they are angry for the dignity of human nature, that a writer should have clothed in human forms mere phantoms, without archetype, except in his imagination. This appears to us a fairer hypothesis, as well as less disgraceful to the mass of mankind, to explain the unpopularity of several gifted writers, than the supposition that their mere superiority of genius has brought them in disfavour with the world. It is true, that such defects in such writers are most absurdly denounced, and most malignantly exaggerated. It is better to regard them with a very calm eye, to extract what is good than to carp at what is bad in them, and even from the worst, it is generally possible to derive much indirect instruction. A stronger illustration of the present state of Ireland we have seldom found, than is afforded by the mind of Mr. Banim; impeded in its upward growth, checked in its expansion, rendered doubtful in morality, discouraged in benevolence. And we would recommend those men of fine fastidious taste, who may affect or feel disgust at many things in his volumes, to examine themselves whether *their* capacities and efforts might not have helped towards the removal of those evils of Ireland, which equally result from English apathy and obstinacy? whether appearing in the shape of the physical wants or the mental imperfection of her natives —we would remind those *moral* people who may sicken at the scenes of immorality and outrage which this author delineates —that in the order of their families, the repose of their chapels, they have been cruelly insensible to the complaints of that people, whose devotion has been so often irritated into fanaticism, whose affections tortured into misanthropy.

The peculiar province of the author of the Munster Tales, the last and not the least-talented of the writers before us, appears to be the middle-life of Ireland, which he has certainly treated with sufficient success to fill up a perceptible void between the plebeian groupes of Mr. Banim and the aristocratic coteries of lady Morgan. And it must be said, in justice to the former of these writers, that the evidence of a social state, extremely out of joint amongst even what are held the more respectable classes, is, in its substantial features, amply confirmed in its occasional exaggerations, even sometimes surpassed, by his recent fellow-labourer in the same rough soil. This latter author also resembles another of his rivals, the author of "To-Day in Ireland," in an endowment which, in that writer, appeared rather gracefully, but which the Tales of the Munster Festivals exhibit in an almost ridiculous excess. The writer now before us is, in short, too much or too little of

a metaphysician; too inquisitive into the springs of human action to content himself, like the author of the O'Hara Tales, with describing simply what he has seen and felt without theory, and too little aware of the depth and limits of his science to avoid, on all occasions, mixing facts with hypotheses, like the ignorant narration of an every-day occurrence, in whose relation it is utterly impossible to separate the matter of fact from the conjectures which are founded on it. In all his general outlines of character, and in tracing the main causes which have influenced its development, this author is extremely successful. It is when he brings his character into action that his intellectual hobby becomes troublesome, and that a really great dramatic power is rendered ineffective by the intrusion of impertinent and ill-timed reflections. Instead of letting his characters develop themselves in dialogue, at least so far as regards their minor modes and changes, this author recites a prologue to every scene in his own person, informing us not only of the general disposition, situation, and prospects, of the principal interlocutors, but with the special thoughts and impulses wherewith he will excite them in the course of the ensuing chapter. Nay, not unfrequently, he delegates a part of this labour on the shoulders of the speakers themselves, makes the personages, with whom he wants to bring the reader acquainted, themselves narrate the principal circumstances which have had sway in the formation of their own characters, distinguishing with the most philosophical accuracy the degree of importance which is due to each; so that a *vaneestha* (old woman), whose eldest hope has been hanged, shall investigate the first rise and progress of his vices in a style that a professor of moral philosophy might envy; and a band of coiners shall gain insight into the motives of mankind, almost worthy of a Hobbes or Helvetius. Another practice which this author has pushed farther than any whom we at present recollect, is that of regularly inverting the order of his story, and making the plot follow in the wake of the denouement. This is sometimes done by Mr. Banim with effect, as in Crohoore of the Bill Hook, where the arrangement of the story conduces to fixing the suspicion of murder on an innocent man. Something of the same kind is attempted in "Card-drawing," the first of the Munster Tales, with this difference of result, that in this latter production, we anticipate the denouement from the very first chapter. Indeed, this author seems to be in some degree aware of his inability to produce a well-constructed plot. He, therefore, very bravely takes the bull by the horns, and, hopeless of preserving any mystery with regard to the disposal of his

dramatis personæ, makes a merit of disclosing it at once in the outset; and, having made a clean breast of his catastrophe, endeavours to conciliate the gratitude of his readers by clearing up its causes in the course of the work. This mode of piecing and patching an indifferent plot, reminds us of the expedient of a poor countryman of the author, who, finding his blanket rather too short for the protection of his nether extremities, cut a piece from the upper end, and sewed it to the lower, by way of supplying the deficiency.

Having expressed ourselves thus freely on the faults of this author, it is but just to give a specimen from the work itself, of a peculiar talent which he possesses for exhibiting the ludicro-pathetic effect resulting from the strangely-compounded elements of levity and feeling in the character of the lower Irish. Our extract shall be made from a dialogue between the hero of the second tale (the Half-Sir) on his return to Ireland, after some years of absenteeism, and a poor wretch imperfectly recovered from the want-engendered epidemic of that horrible season when English charity administered its ostentatious palliatives to the distress which had been mainly caused by English mis-government.

'"Was it always the same case wit me as it is now? is it your honour is axen me? Ah no, sir, that would be too bad—I had my pleasure in me day as well as others, and indeed I have no raison to complain, considering; thanks be to heaven, and if I had only praties enough to keep above ground for a few years more just to *make my soul** (a thing I was ever too negligent of), I think a prince could'nt be better off. Do you see that large field over-right us, sir? When I was a slip of a boy, about eighteen or that way, that was a great place for the Roberts'-town and Shanagolden girls to come and blachen their coorse thread, and bekays they should lave it out all night, they used to stay themselves watchen it (in dread it would be stolen off the wattles) in the fine summer nights, tellen stories and crusheening† away till mornen. At the first light, then, the boys of this place would come with fiddles and flutes, and there they'd be before them—Kitty O'Brieneen with her hundhert o' thread, an Nelly Kilmarten with her hundhert o' thread, an all the rest o' them with their hundherts, blachen, and then the keogh‡ would begin—danceen, an joken, an laughen, an singen, till it was broad day. Well, of all the girls there, Kitty O'Brien was the favourite with the boys, sech a sweet smilen crathur! though indeed meself did'nt think very bad§ of her, till one mornen axin her to jine me in a slip jig—'She's goen to dance wit a better man,' says Batt Minahan, that was very sweet upon her the same time, an I knowen nothen of it. 'She'll go

* To attend to his religious duties.
† Gossiping. ‡ Fun. § Very highly.

farther than the field, thin,' says I, 'for he is'nt here any way.' 'He is,' says Batt, 'standen out before you,' says he. 'Is it yourself you mane?' siz I, looken down upon him. ''Tis, to be sure,' siz he. ''Twould take another along with you to be able to say it,' siz I. Well, whin two foolish boys come together, an a woman by, 'tis but a short step from words to blows. Batt an I tackled to ('m sure small blame to him, an the sweetheart listenen), an we cuffed, an we bate, an we kicked, an we pulled, an we dragged one another, till there was hardly a *skreed* o' clothen left upon our backs, an the boys med a ring for uz, and they hullooen, and the girls screechen, and the whole place in one fillilu. An then we pult the wattles out o' Kitty's thread, and we big'n wattlen one another over the head an shoulders, till the stick was broke in our hands. Well, it was the will of Heaven I got the upper-hand of Batt that same time, an bet him, an pummelled him, till I didn't lave him a leg to stand upon—and then I danced the slip jig with Kitty. Well, I never thought much o' Kitty before, but my heart warmed to her after I fighten for her, an we wor married agen next Advent. Batt (an sure small blame to him) never could bear the sighth of me after. I lost a little by it, too, for I *was thinken* of another girl before that, a girl that had as good as fifteen pounds of her own—but she was'nt a patch upon Kitty for manners an beauty.—Little I thought I'd be one day taken your honour to see that same Kitty stretched in a dyke, on the broad of her back, in *the* sickness—but Heaven is merciful, an we'll get her out of it again I hope. 'Twould delight your honour to hear Kitty's cry—she had the best cry in the parish."

'"The best cry?"

'"Yes sir, for an 'ollogone,' or 'ullilu!' after a funeral, or at a wake-house. When Kitty had one glass o' sperits, jest to clear her *vice*, you'd wonder to hear her. Besides, Kitty had a very fine *back*, an the other girl had'nt air a *back* at all, nothen to spake of.

Hamond, who was himself a connoisseur in female proportions, entered with a readier sympathy into his companion's admiration of this latter quality than the preceding one, but was again benighted when the other went on with his encomium.

'"Indeed, I had but a very poor back myself at the same time, and I could hardly open me mouth or say a word any where in regard of it. So I tuk Kitty's *back* rather than the fifteen pound forten, and then I had as large an as fine a *back* as air a boy in the county; then who daar laugh at me, or tread on me coat in the puddle? None; for Kitty's *back* stood by me always, at fair or market."

'"My good fellow, I can hardly understand you. It seems, you thought the larger Kitty's back was, the better."

'"To be sure, Sir."

'"And, then you had no back at all yourself—"

'"T'll I married Kitty, Sir—"

'"And then you had as large a back as any body? What am I to

understand from this, if you are not amusing yourself at my expense? What do you mean by your back?"

'"Back!—Faction, Sir—faction for fighten. Is it I to be funnen your honour?"

'"Oh," said Hamond.

'"Well, Sir, we married, as I told your honour, an if we did, we got a small bit of land, very snug, an had a lase of it, an got on very well for a few years, and a couple of crathurs with uz, an we wor finely off, with plenty o' praties, an milk now an agen, but that was too good a story to last, and the big'nen of our troubles came on. This was the way of it. The owner o' the estate that we rinted the cabin from had a fine bog within about three miles from uz, an he wanted uz an all the tenants to cut our turf upon it, an not upon a bog belongen to another man liven a near uz; but then we hadn't the mains o' drawen it such a distins, an not being in our lase, we didn't do it. He didn't forget this for uz (indeed I don't blame him either, considering), but he couldn't get a vacancy at uz for a long time, for we took care always to have the deference o' the rent agen the gale day any way. Well, Sir, at last, what do you think happened to uz? The minister that lived in the same parish was made agent to our landlord, an so, when we went to pay our gale, what does he do but take his own tithen out o' the rent I brought him, an hand me back the rest, sayen, 'Here, me good man,' says he, 'you're onder a mistake—the rent is *5l.* more,' siz he (five pound being his own tithes). 'Well,' siz I, 'I navur seen the peer o' that for'—'For what?' siz he. 'Nothing,' siz I, but I said 'roguery' within me own mind. 'Give me the rent,' siz he, 'or I'll eject you.' 'Let me go for it,' siz I. 'How far have you to go?' siz he. 'Somethin furthur,' siz I, 'than I'd trust *you*.' 'How far is that?' siz he. 'Just as far, then,' siz I, 'as I could throw a bull by the tail.' Indeed I did, Sir, say it to him. Well, he never forgay me that word.

'"When I came back with the rent, he wouldn't have it at all, right go wrong. 'Very well,' siz I, 'if you don't like it, lave it—you can't say but I offered it to you?' An well the rogue knew the same time, that the offer wasn't good in law, inasmuch as there wasn't air a witness to it, an I knowen nothen of it at all, till Johnny Doe coom down upon me, an let me know it when it was too late. Well, I nuvur'll forget the day, when poor Kitty, an the childer, an meself, wor turned out, with the choice of taken a bag on our back, or listing, whichever I liked.* An that's the way it was with uz sence, ramblen over the hether about the country, ont'l this summer, when the womaneen tuk ill in *the* sickness, and the crathurs along wit her, an there was an end of the whole bizness, when I got it meself, an the four lyen ill together, witout one to mind uz, ont'l the priest was so good as to have the little hut made over uz, wit a feow sticks, and some *scraws* * * and straw onder uz, so that we wor quite comfortable, and thanks to the neighbours, wor in no want of potaties,

* Begging and listing are the usual alternatives in Munster.

an male, moreover (that they say the English sent us over), a thing we didn't taste for many a long year before—signs on we're getten over it finely—an I think if I had a pen'orth o' tobaccy, I wouldn't ax to be better, moreover, when I see so many more worse off than meself in the country. Here's the place, plase your honour."'

It is singular that the principal character in both the second and the third of these tales is a youth of spirit, and talent, and amiable dispositions, whose character has been unfortunately warped by the effects of a bad early education. It is even more singular that this similarity, or rather sameness, of subject should not have induced a corresponding sameness and monotony in the treatment of the two characters. Nothing can, however, be more completely individualized than the results of the erroneous course of discipline pursued in each case, upon the timid and affectionate spirit of the one victim, and the quick and fiery temper of the other. We regret that our limits must preclude us from extracting the general outline of the character of the latter youth, Robert Kumba; but we cannot omit an extremely characteristic conversation, in which his intended bride, her father and mother, are interlocutors. But let the parties speak for themselves.

'The lovers had been taking their usual evening walk, and were occupying their usual position on the strait-backed, strait-armed, chintz-covered sofa (or settee, as it was then called), Lilly complaining pettishly of fatigue, while her lover untied the strings of her gipsy-fashioned white chip hat, and laid aside her scarf, while Mrs. Byrne sat knitting a gray worsted stocking by the clear turf fire, and a clean, sleek, tortoise-shell cat sat on her knee, in that beautiful position for which it is almost proverbially celebrated, purring its monotonous song of pleasure and contentment; and while Mr. Byrne, who had manifested a degree of reserve in his manner to Kumba throughout the evening, which was attributed by the latter to the accident of some disappointment in his farming affairs, continued walking slowly back and forward from the corner near the cupboard to the corner near the window, jingling a handful of halfpence behind his back, and humming the popular air, the burthen of which runs,

'"Dholinshin cruskeen, lawn, lawn, lawn,
Dholinshin cruskeen, lawn,
Dholinshin cruskeen
Slauntha gal ma voureen
Bohumileen a cooleen dhuv no baun."*

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* With this little vessel full, full, full,
With this little vessel full,
With this littte vessel—
Here's a white health, my little dear,
I don't care whether your hair is black or fair.

Is not this in the spirit of Sheridan's "Let the toast pass," &c.?

'On a sudden, the old gentleman stopped short, and said,

'"Robert Kumba, who were those people I saw on the grounds, over, to-day?"

'Kumba let Lilly's hand go, and reddened slightly, with the angry consciousness of one who conceives that a "liberty" is about to be taken with him.

'"They were—poh!—they were fellows from Mr. Rose, Sir."

'"I thought so. Where are the little *vaugh* of black cattle that you were so proud of, that you had in the east meadow a week ago, Robert!"

'"O, then, I'm sure I don't know—they're gone, Sir," said Kumba, in increased displeasure.

'"Sold?"

'"Pho—yes—" with an impatient laugh.

'"By you, Robert?"

'"By the driver, Sir."

'"I am very sorry to hear it. They were a great loss."

'"O, I'm sure I don't want any body to tell me that. They wouldn't go, if I could help it."

'"Don't speak so impatiently, Robert, to your friends. 'Tis in kindness I speak, believe me. Your uncle James says that you *could* have helped it."

'"My uncle James," said Kumba vehemently, "never interferes in my business from any kind or generous motive. I wish he would spare his censures, since he can afford nothing else."

'"I don't know but a timely censure may be a very good thing," said Mr. Byrne, in a fair and easy way; "and I should like to hear you shew that this was undeserved, before you get into a passion about it."

'"O, well, there has been enough about it now," said Kumba, turning to Lilly, whose agony during this scene may be well imagined —"Come, Lilly, will you play a game of chess?"

'"Indeed, Sir, there has not been enough about it," replied the father, "and I am determined to have a great deal more about it before *Miss Byrne* either plays chess or plays the fool."

'"Miss Byrne!" Kumba could not help echoing unconsciously, in a murmur of perfect astonishment.

'"I give myself great blame," continued the old gentleman, his warmth gradually increasing as the subject became more fully developed, "that I did not take care to make myself aware much sooner of all the circumstances that I have heard to-day. Lilly, go to your room."

'"Whatever you may have to say to me, Sir," said Kumba, taking Lilly's hand, which trembled in his, and smiling, though with a quivering lip, upon her—"may be said in *Miss Byrne's* presence. Our interests are single."

'"Not yet, thank Heaven! Do you hear me, madam?" Lilly, who knew the extremities of anger which her father was capable of indulging, looked entreatingly towards her mother.

'"Perhaps you were misinformed, my dear," interposed Mrs. Byrne, gently.

'"I *was* misinformed, my dear," said her husband, passionately; I *was* misinformed when I took a spendthrift and a prodigal into my house—a wasteful, extravagant wretch—(don't stop me, woman!)—that is sitting there now with his mouth open, looking at me, after having squandered the beautiful property that was left him not four years since, and plunged himself over head and ears in debt, while I thought he was clearing off those left by his dead father."

'Mrs. Byrne uttered an exclamation of surprise and dismay, and poor Lilly's heart sunk as low as if the whole world were forsaking her.

'"You were much mistaken, Sir, if you supposed that it was ever my wish or intention to avail myself of your ignorance on that head," said Kumba, *spiritedly*.

'"I wish I had known that sooner," retorted the father.

'"O, 'tis never too late for repentance, Sir," said Kumba, springing quickly from the sofa; "I permit no intermeddling in my affairs."

'"Young man"—Mr. Byrne exclaimed, his aged brow flushing, and his frame trembling with anger—"but no—pish!—no—" checking his anger by a violent effort; "this is not altogether my affair. Hear me, Sir. You shall not enter these doors again for six months. If, during that time, you—"

'"O, my good Sir, you deceive yourself very egregiously," said Kumba, with all the pride of voice and manner which he was capable of assuming; "my course, my conduct, my fortunes, and my misfortunes, are my own. You cannot point my way, Sir. Undeceive yourself, if you please."

'"Very well said, Sir," replied the old gentleman, smiling and bowing, "you are your own master, and a fine scholar you have, Sir. But suppose I said your way lay there, Sir?" pointing to the door.

'"I could find it without giving you the trouble, Sir," said Kumba.

'"The sooner the better then, Sir," the father continued, smiling and bowing him out affectedly.

'"As soon as I get my hat," said the other, snatching it at the same moment, with a degree of levity which, though in accordance with all his character, the poor stupified Lilly could not help feeling was unkind almost to heartlessness, and muttering, as he returned her father's ironical smiles, something about the old man's '*prudence*,' and his own 'misfortunes.'

'"Quit my house, ruffian!" The old man now broke forth in a paroxysm of fury, while his wife and daughter flung themselves with cries of terror about his neck; "quit my house, ungrateful scoundrel that you are, or I'll fling you out of the window."

'Kumba, perceiving at once all the impropriety of his conduct, used an action which seemed as though he wished to say something in extenuation, when he was prevented by Lilly, whose displeasure (for she *could* be displeased on occasion as well as another) had been strongly roused by the last insult to her parent.

'"Begone, Sir!" she exclaimed, drawing up her head, with a tone and look of virtuous anger, before which Kumba's own pride crumbled into dust; "I did not know you until now. We want neither your presence nor your apology. *You* have deceived yourself, Sir, if you suppose that any interest you may possess in my affections can make me insensible to the duty I owe my father. How dared you, Sir," she continued, panting with agitation—"how could you use such coarse terms to my father, and in my presence? Go, Sir, your apology can do little!"'

This family scene would make a fine picture.

Our expectations were excited to a very high pitch by the title of Mr. Banim's new work, "The Croppy." Not that we expected much expansion or clearness in his general views of history and politics; nor did we look for much continuity or order in the structure of his story and incidents, having admired in all his former works, rather the power of seizing and of sketching, than of analysing character—of striking unexpected lights in dialogue and situation, than of keeping them in due subordination and harmony. What we did expect was accuracy and animation in the portraiture of national features, a deep and serious feeling of his country's wrongs, with a bold hand to trace throughout the crisis of her destiny.

The first (introductory) chapter did not lower our expectations from the rest of the work. Mr. Banim has described with force and brevity, the gradual declension of the Irish volunteers from unity and strength, to separation and weakness—the retreat of its aristocratic members on the mooting of such points as Parliamentary reform, and the more deplorable sectarian defection, which discouraged the audacious hope of Catholic relief—the various causes, in short, of prematurity and abortion, which conspired to hasten the rising of 1798, that blind outbreaking of a miserable multitude, which had yet to learn the only useful lesson of Tyranny—combination and concert for the sake of its overthrow.

In the second chapter there is a sudden and extremely disagreeable descent from the high tone supported in the first, which results from Mr. Banim's occasional propensity to the delineating of the fashions and frivolities of a class, with which it is quite clear he is by no means familiar. There is a Miss Eliza Hartley, who is evidently designed for an exceedingly agreeable and sprightly heroine, with her father, her maiden aunt Alicia, her quondam school-companion, Miss Belinda St. John (a virago, to say the least, of rather doubtful reputation), a humble confidante, ould Nanny, and a brace of handsome suitors—a worshipful society, who, taken all together, and

always with the exception of ould Nanny, were nearly successful in constraining us to throw aside the first volume with disgust. And yet we would willingly compound for an hundred and twenty good pages at its commencement being thrown away on this sort of pseudo-genteel comedy, were but those parts of the work, in which the author introduces us to scenes where he is perfectly at home, quite free from those vices of exaggeration, at which we have already hinted in his former productions. Mr. Banim would almost seem to have anticipated the criticisms wherewith we were preparing to assail him, so zealously and stoutly does he defend what he conceives the points most open to objection in his writings. It is but fair to let him plead his own cause before our readers.

'It is not with us always a matter of choice that we present before the reader pictures of human passion and excess, which, we are aware, may inspire some tyro-critic, whom they instruct in the secrets of his fellow-creatures, with a hint, whispered over the shoulders of such of our patrons as, like the indolent Gray, read new novels on sofas. But we paint from the people of a land, amongst whom, for the last six hundred years, national provocations have never ceased to keep alive the strongest, and often the worst passions of our nature; whose pause, during that long lapse of a country's existence, from actual conflict in the field, have but been so many changes into mental strife; and who, to this day, are held prepared, should the war-cry be given, to rush at each other's throats, and enact scenes that, in the columns of a newspaper,

"(That folio of four pages, happy work!
Which not even critics criticise),"

would shew more terribly vivid than in these chapters, any selected by us, from former facts, for the purposes of candid, though slight, illustration.

'Necessity, then, rather than choice, sometimes compels us to exhibit individuals and occurrences proper to the community, that supplies originals for our study. We do not pourtray the minds, the hearts, the habits, the manners, or the acts, of a tranquillized and happy people; least of all do we pourtray the quiet and passionless decorum which can only result from a well-knit, long-confirmed, prosperous, and perhaps selfish, state of society.

'If, therefore, some such critic as has before been mentioned, object to us the extravagance of our delineation, or the harshness of our colouring, his quarrel is with human nature, and it may be with human policy, and not with us.

'Should he invariably grow pale, or get ill, at sketches of natural passions, and at the characters they form, or the events they produce, then, indeed, we would admit his quarrel to be personal, as regards ourselves; yet, for all that, we could not afford to administer to his washy, water-colour taste, by wholly withdrawing our eyes from those

sublime objects of moral study, which, above all others, stamp breadth and depth upon the artist's canvass.

'Still it is, to ourselves, rather a painful labour than a pleasant relaxation, when we are obliged to go through some scenes we would gladly leave unnoticed; and, on the contrary, it is truly gratifying when, as is now about to be the case, we can consistently drop into company with certain of our characters, from whom we need apprehend no furious ebullitions of passion, and no wild aggression against the species to which we all belong.'—Vol. iii. p. 57.

Now, at the risk of being stigmatised as tyro-critics, we must tell our somewhat combative author, that he has equally mistaken the nature of the charge to which he is liable, and the persons who make it. Such a charge is not by any means most likely to proceed from the young and inexperienced reader, nor are the grounds upon which, in our opinion, it is justified, at all such as he appears to imagine. It is not in those "scenes" which he affirms "he would gladly leave unnoticed," that a well-judging reader would wish to "change his hand, and check his pride." It is precisely where he flatters himself, that he has "dropt into company" with more mild-mannered people, that such a reader finds with sorrow there is to be no repose, no respite, from excitement and passion. No critic, deserving of the title, would demand the omission of such horribly faithful pictures from these volumes, as the burning of Shawn-a-Gow's house, or even as the massacre on Vinegar-hill. But we may reasonably complain, that a production, in the mere historical part of which alone we have been necessarily supped full with horrors, should gratuitously cram us with a tale of attempted murder, by a husband, of his wife and unborn infant, of which, moreover, we had been favoured with a first version in the "Nowlans." We would likewise say, that no personage is fit for a hero, who appears so great a rascal during three-fourths of the work, that it is next to impossible for any chain of evidence to place him, *rectus in curiâ*, at the end of it. Few things are more delightful in sir Walter Scott's works than his manner of relieving the details of civil discord with some flash of generous courtesy—some glimpse into the charities of private and of social life. *Non omnia possumus omnes.* Not more superior in delicacy and courtesey, are the well-dressed characters of sir Walter Scott to those of Mr. Banim, than in all the bolder traits of vice and virtue are the ragged heroes of the latter, to those of the former, writer, whose common people are generally by far too well behaved, and too consciously in the presence of their betters.

ART. VII.—*The Puffiad; a Satire.* London. Maunder. 1828. 12mo.

THE Puffiad is a satire only in name. By an accident its author has hit upon a subject that invites the scourge of the moralist, but he has neither lash, nor muscle, nor yet knowledge, how and where to strike. This is the age of puffery, and it would shew that satire, as a moral weapon, has grown into disuse, that no steel-pointed pen has hitherto written down the great practisers of this deceptive art. Surely the subject has deserved a few nervous cantos; the vice is a mischievous one: its professors are notorious; their vocation is universal; and there never was a mal-practice so naturally calculated to wither under the touch of ridicule. Leaving, however, this weak side of puffery to the twanging bow of the heroic satirist, we shall content ourselves with connecting together a few observations on the statistics of the art of puffery.

The grand object of the puffer is deception; and, since he is found in every department of trade, and invariably succeeds, if his purse be long enough, it is evident that the practice must sink deep into the morality of the country. There is between buyer and seller a constant interchange of falsehood and credulity: no public description of any mercantile article is to be believed: the habit of lying is engendered in all departments of commerce, the dupe takes his turn in duping, and ingenuity is again put upon the rack to discover some new form of delusion. Title-pages, prefaces, advertisements, and even critiques, may be clubbed together as one great LIE. The practice of puffing your property brings on the practice of puffing yourself, and hence all kinds of egotism and vanity, especially in the tribe of authors, editors, and critics. The fact is, that the puffers have an advantage over the world: the public gives them a partial credit for honesty, and believes two thirds of what it reads in print in honour of typography.

The grand medium of puffing is the periodical press: traders have long known it as a means of communicating the existence of their wares at particular places. When a supply was procured of a remarkable kind, or an article manufactured out of the usual course, it was not unnatural to advertise the world of the fact by the aid of daily journals. In particular instances, when the editor's attention was called to the nature of the advertisement, he would, out of his desire to patronize that which might benefit the public, attract the notice of his readers to the subject, by pointing it out in a separate paragraph. How long it is since this primitive state of things ceased to exist! Alas! the simplicity of the advertiser is changed into roguery,

and the benevolence of the editor into corruption. Advertisements are now couched in a style of the most barefaced effrontery; and under the mask of original remarks lurks a recommendation which the proprietor consents to father for a consideration. Newspapers are generally in the hands of individuals whose sole aim it is to make as much money as possible. If they are sufficiently well paid they will admit any thing into their columns: the reader is never sure: in a grave political leader, or in the slight record of a dreadful accident, let him beware of names, of shops, of articles useful on the occasion—a puff lies in ambush in every paragraph. Mr. —— falls from his horse, solely that he may be relieved by Mr. ——'s bandage or Mr. ——'s tincture. An unhappy wretch is saturated with poison, that a new stomach pump, or a self-acting patent double squirt may perform the act of resuscitation.

The first puffers were either quack-doctors or auctioneers, we are not certain which: it is evident that the general scheme of the art was well understood in Sheridan's time; and yet when his quick eye detected all its capabilities, it was only in its infancy. The monster had evidently Herculean proportions even in its cradle, its proportions have now expanded, and it broods over all the transactions of the great metropolis. Quacks and auctioneers, however, still maintain a kind of pre-eminence. "Every ill that flesh is heir to" may be readily cured by a reference to the "Chronicle," or the "Courier," with the farther aid of a post-paid letter, and an enclosed one-pound note. Beauty may be purchased; deformity converted into a charm; the colour of the hair may be changed into the glossiest of the favourite colours; false locks, false teeth, false features, false limbs, are supplied, if puffs are to be believed, on terms of the easiest description, and with the most flattering success. Should a doubt rush for an instant through the mind of the incredulous of facts so marvellous, there are Captain A., and Mr. B., and lady C., who have all been cured, mended, or metamorphosed, within a few weeks, and in the fervour of their gratitude hold themselves in perpetual readiness to vouch for the assertions to which they have set their hand and seal. Auctioneers have obtained a kind of prescription to lie: no one believes, and all are willing to smile at stretches of the imagination, which are considered purely professional. As his hammer pendulates, it is held as a duty that he should relieve the dulness of his conditions of sale by ideal pictures of parks without a blade of grass, woods without a tree, and rivers that trickle less water in a year than Mr. Robins mixes with his punch at the auction of a single estate. The gardens that bloom in the Newspapers

are destitute of a flower, and the villas in elegant repair are tumbling down.

Advertisements are only a part of the machinery of the recondite art of horse-dealing, the most rascally of all the legal modes of procuring subsistence. The "fine pair of bloodhorses, rising five years old, the property of a gentleman going abroad, who may be referred to;" the "short-legged fast-trotting cobb, belonging to a gentleman who has no longer any use for him, and whose only wish is to find a kind master for his favorite;" with all the rest of the forms of deception, are simply one mode of making money by the sale of "screws," as the poor, made up, groggy, standing-over, wretched animals, generally are which are thus described with circumstantial falsehood.

Neither is the gentleman a better gentleman than the horse is a horse: "a gentleman going abroad," or "giving up his horses," is a part of the stud of the knavish horse-dealer. He is kept in boots and riding-coats, in handsome lodgings hard by, solely for the convenience of an easy reference; and is, of course, ever ready to give such a character of the inimitable horse he is so loath to part with, that the purchaser cannot fail to leave him in a fever of possession.

After the horse-dealers, and in the order of iniquity, come the advertising wine-merchants, who sell wine at prices cheaper than the price of importation; who secure the imaginary vintages of particular estates; who can give the hue of age to liquor from the wood, crust to the virgin bottle, and a blush to the cork, which alone of all the bargain, has ever seen the shores of a foreign country. The extent of the credulity of the public cannot be better proved than in the articles of wine and spirits. The prices of the advertisers have been proved frequently, and more particularly in a little work on the Adulteration of Wine and Spirits, published a few months ago, to be considerably less than the lowest price in the native country of the produce, when added to the duty necessarily exacted by the customs.

The branch of trade, however, which lies most directly in our path is that of the bookseller. And he scarcely yields to any of his competitors in the activity, the impudence, the falsehood, the elaborateness, or the iniquity, with which he pursues this system of delusion, when he pursues it at all; for we must not be too sweeping in our censures. In this department of business, above all others, are examples of men who are above any measure founded in deceit or unfairness: we speak here, as in other cases, of the notorious trumpeters of their wares who are very easily distinguished from the men who simply resort to

newspapers for the purposes of announcement. The machinations of the bookseller extend beyond the two channels of puffery, the advertisements and paragraphs; they more deeply undermine the purity of the press, and it is this which we confess most bitterly excites our spleen. The power of the bookseller circumvents the newspaper proprietor; his advertising funds are immense, and he is thus enabled not only to corrupt one of the most copious sources of public instruction, but also to deteriorate the quality of literature itself, and materially to retard its progress in a right direction. This matter deserves some development.

The publishers compete with each other in endeavouring to force a demand for their works, or in order to secure a preference above others. The sum spent in advertising is either laid upon the price of the book, or it is deducted from the share of the author, and at any rate it is considered as essential an outlay as the expense of printing or paper. This sum is frequently so large that no increase of price to the public, or diminution of pay to the author, will make the publication of a single volume a profitable speculation, even if the whole of an ordinary impression be disposed of. In this case, the author is sometimes sent back to bolster up his book into two, that a greater price may be decently charged, and the expense of puffery defrayed. If a single book be published, and the propensity to puff be carried too far, it may happen that the whole number of copies printed may be sold, and still a loss incurred to the poor author who has to pay the balance of an account for his success. We know an instance of a little work published at five shillings, on which the puffery alone cost five and forty pounds, in which it moreover appeared that, although the entire impression, and this not a small one, was sold within a few copies, there still remained a large deficit against the author.

We may now see how the practice of laying out these enormous sums in advertising, operates on literature. The publisher, not only in some cases increases unnecessarily the bulk and the cost of his productions, but he naturally prefers, as a subject for advertising, that which is most calculated to attract the attention of the multitude, and also that which is in its nature calculated to procure the readiest sale, and thus return, in quick time, the capital which he has lavished upon it. It is needless to say, that the books of readiest sale are not likely to be the best, and that subjects, and modes of treatment which arrest the vulgar gaze, are not those which either a lover of mankind or a lover of literature would wish to see circulated. They are in fact, generally, incentives to vice or folly of some

kind or other—immoral pictures of conduct, which, under the name of "fashionable life," pass into a bad example: perhaps they are the feeble efforts of a catch-penny scribbler eager to pick the pockets of the credulous, under the grave exterior of a great name, a great event, or other topic at the moment in agitation. Thus are the exertions of writers diverted into an unprofitable direction, and the sacred appetite for information, now so happily roused, fed, and nauseated with inflammatory stuff, only calculated to breed mental fever and obstruction. The cool and quiet springs of instruction are neglected, and left to ruin and decay for the sake of an intemperate drink prepared by the quacks of the day. This, however, is far from being all. It remains now to be seen how the practice of expending large sums of money on new publications, still further perverts the interests of literature. We have already stated, as a well known fact, that newspapers are in the hands of men generally speaking, whose sole object is mercantile: they are only party engines, so far as it is necessary to fashion different articles to different tastes. Now the expense of a stamp enormously high, when joined to that of the broad sheet of paper, and a vast expanse of small printing, eats largely into the sale price of each copy of the journal, and leaves but very little for the payment of editors, reporters, and writers, and the remuneration of proprietors. It is a truth that they look to the advertisements as their first and best source of profit; and of these advertisements the booksellers supply a large and preponderating share. A publisher in a large way can put in or divert from the pockets of any newspaper proprietor, many hundred pounds a year. Here is the secret of laudatory critiques, of favourable quotations, of sly allusions, and grossly eulogistic paragraphs, paid or unpaid for, inserted as the impartial suggestions of the editor. A tacit compact subsists between the one trade and the other: the one to pay, the other to praise. Criticism, false but fair-seeming criticism, has thus become one of the foul disguises in which the monster Puff stalks abroad seeking whom he may gull. The process does not end here: first, a book is announced for several weeks before it appears. The title-page is advertised several times; then a few lines scattered here and there amongst other bartered compositions, appear, indicating that great expectation has been excited by the announcement which had been previously made by the same hand: a surmise is now set afloat that a distinguished personage is the author of the forthcoming work; then a bolder paragraph declares the manner, style, and subject, of the so much talked of production: all this time, the great guns of open advertisement are playing away on

the public in the front columns, while the masked battery is only bringing its fire into action. At last the book is born into the world; the morn is ushered in by a consentaneous shout on the part of all the journals, that THIS DAY is published the work in question, and the repetition of THIS DAY continues, till it stares every body in the face, that THIS DAY is, at least, three months ago: then the style of *lately* more faintly declares the same joyous fact, until, by the aid of a new title-page, a second edition is vamped up, and then all the guns of the great battery of the press are once more opened, and the world is made aware, from east to west, and north to south, that the booksellers' second hope is born again.

On the eve of publication a copy of the work is forwarded to the editor of each periodical of influence: bad or good the book must be noticed, because the publisher has put money into the newspaper-proprietor's pocket: the notice must moreover be favourable, and the moment that a laudatory notice appears in the columns of the journal, some sentence is picked out, and the testimony is added to others similarly obtained: this array is again advertised: the purchaser of books reads the title indicating the subject he is interested in, followed by the eulogistic decisions of authoritative critics: first, he observes the vigilant Literary Gazette—then comes inferior authorities—Athenæum, Morning Post, Literary Chronicle, Daily Puffer, Evening Blast, Trumpeter, Book Bellows, &c. &c. &c. Wretch, he buys! the delusion is complete: he is saddled with lamp-black, dirty rags, and the author's impertinence. The consequence of the baleful power thus committed into the hands of the publisher, are either that bad books are forced into circulation to the injury of morals, the destruction of literary taste, and the exclusion of a wholesome commodity: or that in apprehension of encountering trash, the bookbuyer keeps aloof from all modern works, and cultivates, perhaps, a distaste for the progress which, notwithstanding puffery is evidently being made in useful knowledge. Universal incredulity is unfortunately attended with the fatal curse of ignorance: it is better to be deluded out of the substance we have laid by for the purposes of intellectual cultivation, than to refrain from procuring literary food altogether. In this dilemma, it is exceedingly difficult to point out guides by which we may direct the choice of the student. It is better to have no guides at all in literature, than guides who are in the pay of the enemy. And this is the condition we have shown of the bulk of those who stand in this position to the public. It is no safeguard, that the character of the editor of a newspaper stands high: *he* may be above the reach of mercenary

motives but his proprietor is *not*. Bargaining in his own peculiar department for the free expression of his opinions—which may be indeed fostered and itself puffed—Why? that the rest of the paper may be more saleable—the prostitute often assumes in her outward attire the modest garb of the virtuous, solely for the purpose of procuring a higher price for concealed sacrifices. It is thus with newspapers, a generous *leader* covers the mercenary follower—the editor is paid well for being independent, that the proprietor may be paid higher for being venal. Again, the generally high character of a journal for impartiality and incorruptibility is no security; for it is very possible that such character may have been solely established by sagacious worldlings, for the purpose of being sold at a good price. Seeing the estimation in which papers given to puffery are beginning to be held, or in other words, that in some particular instances the venality has been too gross, and the cheat exposed; speculators have conceived, that by maintaining their virtue until its existence became fully known and highly prized, they might then bring their honour to a good market. After a stand has been made long enough and firm enough to gain a *character*—then beware—let all the pure retire—*favete linguis*—the sacrifice in secret and in shame is about to be consummated. A vile tool may be had any where, but a tool with an edge is valuable beyond a low price.

Lofty pretensions, and repeated asseverations of honesty, are certainly no security for the performance of a duty. If they were, we might, perhaps, be enabled to make an exception to our general censure. Imagine a Briarean editor launching speculation after speculation; each puffed in its turn, as exceeding all prior example. Conceive him reaching the East with one hand, the West with another—wielding monthly instruments of publication with this paw, laying a thumb upon literature, a little finger upon politics, and no less than six huge claws on daily news. Add to the hundred hands, a hundred eyes, and a hundred mouths, and let each mouth sing the praises of its great SELF. Again, to the hundred eyes, hands, and mouths, be generous, and give him a hundred feet; with two let him straddle in the Strand; with another pair paddle in Thames-street; with another waddle over the trembling Bridge; two in brightest calf's skin, must stand sentinels in Bond-street; and let all the rest go from county to county, from town to town: all the mouths crying I, I, as the voice on the shore cryed PAN, PAN, the hands waving newspapers like flags, and the eyes everywhere on the stare, to fascinate the unwary. Is this an imaginable creation?

It may be worth while to say a few words on the causes which have led to the prostitution of the press, to the purposes of advertisers. One may, undoubtedly, be found in that excessive competition amongst traders, which leads them to resort to every means of attracting purchasers. This, again, arises partly out of the gambling spirit in which mercantile undertakings are entered; men determine to force a sale at any risk, and they either succeed in making a business, or in finding a place in the Gazette. The luxury of ornamental shops is a species of puffery; perpetual bills and placards announcing low prices and other fictions, are another species; the regular and constant channel of all these people is, however, through the newspapers. In the article of books, the market is absolutely overstocked, and the efforts of the publishers are directed as much to creating an appetite for particular works as to cutting out their competitors. It is in vain, however, to attempt to reach these evils by attacking them directly: the remedy lies in modifying the nature and character of the channels through which these appeals are made to the public. If the duty on newspapers were materially diminished, the price would be lessened, the circulation greatly enlarged, and the profits of the proprietor so much increased as to place him beyond the reach of the motives that now influence him. By this arrangement, not only would the mass of public instruction be greatly magnified, but the quality of it would be wonderfully purified, and the happiest consequences might be expected to follow. If, in addition to this, the duty on advertisements were likewise considerably lowered, the opportunity of advertising would be so open to all, that the puffers would find that the multitude of calls upon public notice begat incredulity and neglect; the disease would be aggravated for the moment, but the cure would be certain and near at hand. In neither of these cases is it probable that the revenue at present derived would be diminished: in all likelihood, it would be greatly increased. Under the existing state of things, the remedies open are apparently two. If a daily newspaper were established by individuals of great wealth, who at the same time valued the public good, and loved the cause of truth, they might create such legitimate attractions in a journal—they might make it so intelligent as a public instructor, so accurate and copious as a reporter of intelligence, and so copious a caterer of innocent amusement as to command a sale which, even with the present high duties, would amply remunerate them for the outlay of a large capital. Such a journal might be independent of tradesmen. The second remedy is one which has been partially

adopted in the establishment of the Society of Useful Knowledge. Since public critics are not to be depended upon, there is wisdom in collecting an assembly of enlightened individuals who will extend a guardian care over a class of publications, and give their sanction to works which they have satisfied themselves are worthy of publication. The value of the *imprimatur* of a society of this kind has been already felt; there is every reason to anticipate enlightened decisions and strict honesty in men who have been universally known as the patrons of all liberal institutions and beneficial doctrines. The acts of a society of this kind must, however, finally settle the light in which their authority is to be viewed.

The author of the Puffiad asks—

> 'What pen shall justly praise the pleasing art,
> To pick the pocket, and beguile the heart?
> That crafty—curious—most convenient stuff,
> Belov'd by authors, and baptized a puff?
> A PUFF in learning, politics, and prayer—
> In virtue, vice—'tis Puffery every where;
> Puff me—puff you—thus puffing on we go
> Until the last Puff puffs us all below!'

The answer to this question could not come more appropriately from any pen than that of him, who has been as much puffed for his age, and more undeservedly, than any rhymester of the last century. The author of the Puffiad is a Mr. Robert Montgomery, who has likewise written a divine poem called the "Omnipresence of the Deity." This poem is a verbose and bombastic tissue of mere phrases: which the force of Puffery has absolutely elevated into the regions of fame, and a *fifth* edition. The Literary Gazette inflated the first Puff in its favour as may be seen in Mr. Montgomery's own puffs—then, various other Journals joined in raising the wind, until there came a blast so long and loud from the incorruptible *Times*, that Printing-House-square must still re-echo with the sound. The Puffiad closes his satire with a selection of highly-wrought specimens of the art, under the head of Puffiana; and we recommend him, should his work reach a second edition, to add to them the glorious example which he has so assiduously circulated in his advertisements by the aid of that press which he so loudly abuses.—Lest he should not take our hint, we will undergo the nauseous task of copying a portion of this critical effort.

"Mr. Montgomery's excellent poem on this awfully impressive subject (the Omnipresence of the Deity), has not more rapidly than deservedly arrived at a second edition. The work

is dedicated by permission to the lord bishop of London, and is in every respect worthy the countenance and protection of that elevated dignitary. The author is, *we understand*, a very young man [he knew the age of the poet to a day we will engage], but in this production he has displayed a depth and maturity of thought, a strength and justness of reasoning, which would do honour to any writer of the present day. His versification combines, in no ordinary degree, energy and excellence; his figures are beautifully appropriate—they are never introduced merely at the suggestion of fancy, but are called in to illustrate some feeling of the mind or some affection of the heart. A glowing spirit of fervid devotion distinguishes the whole work. In every page we find

"Thoughts that breathe and words that burn."

The author appears to have felt that he stood in the presence of HIM whose greatness he was celebrating—to HIM he has prayed for inspiration, and from HIM he has received it, &c. &c.

*Times, April 1st*, 1828."

'But when some rising rascal-quack in trade,
By cash secures your *paragraphic aid*,
Then braggart Freedom smooths her stoic frown,
Nods her assent—and pockets half-a-crown.'

*Puffiad, p.* 97.

It was but ordinarily grateful in Mr. Montgomery to add a note to these lines indicating that the TIMES, which had furnished him with this valuable testimony for his round of puffs, was an honourable exception to the practices of pocketing half-a-crown for "paragraphic aid."—See note, *Puffiad*, p. 96.

Before we dismiss the book which we only noticed because the writer understands better how to select than to treat a subject, we may as well record that this Puffiad is in fact re-made up from a dull satire by the same author, written in the same tone of empty pomposity, entitled the *Age Reviewed*, which fell, still-born from the press, during the early part of the last year. Mr. Montgomery is as little qualified to shine in satirical, as in divine poetry—and it is ungrateful in him now to expose in one species of verse, the arts by which he has been enabled to turn the other to account.

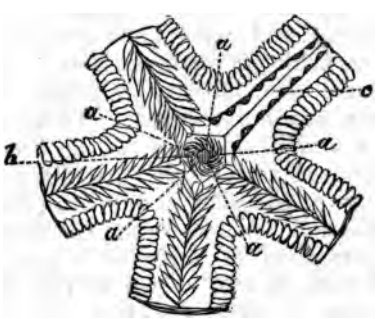
ART. VIII.—1. *Anatomie Comparée du Cerveau dans les quatre Classes des Animaux Vertébrés; appliquée à la Physiologie et a là Pathologie du Système Nerveux.*

2. *The Anatomy of the Fœtal Brain, with a Comparative Exposition of its Structure in Animals.* By Frederic Tiedemann, Professor in the University of Heidelberg, &c. Translated from the French of A. J. L. Jourdan, by William Bennett, M.D.: to which are added, some late Observations on the Influence of the Sanguineous System over the development of the Nervous System in general. Illustrated by 14 Engravings. Edinburgh.

3. *An Experimental Inquiry into the Laws of the Vital Functions.* By A. P. W. Phillip, M.D., &c. &c. Third Edition; addressed to the Scientific Public. London.

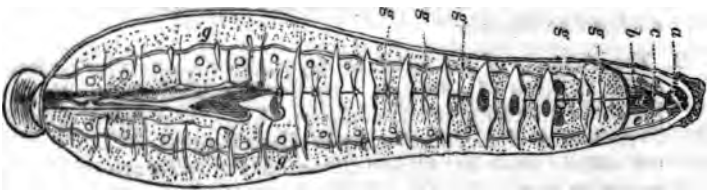
IN the brief and imperfect sketch we gave in a former Number of the progressive advancement of the structure of the Nervous System, from the zoophyte up to man, it was shown, that the first rudiments of this system consist of minute and delicate threads, disposed in the form of a circle around the main organs of nutrition and reproduction, from which other threads proceed, in a radiated manner, apparently to be distributed to the different parts of the body [*fig.* 1. *a a*]. It was observed, that in the actual state of our knowledge, this must, therefore, be considered as the primitive type of the nervous system. It was stated that, in the successive development of this fundamental type, at least throughout the whole class of intervertebral animals, this primitive form is not lost, but is merely modified according to the general organization of the body; that, for example, in the articulatæ, the class above the zoophytes, this figure is manifestly retained, although it is modified in adaptation to the jointed form of the body, which constitutes the character of the class: their nervous system still consisting of a nervous circle placed around the commencement of the esophagus; but the body being composed of several segments, as in the leech [*fig.* 2], each segment being a repetition of that which precedes it; each segment possessing a separate intestinal expansion, or stomach, a separate set of vessels,

*fig.* 1.



separate respiratory bags, and separate sexual organs, may,

*fig.* 2.



in a manner, be regarded as a separate individual: that, in conformity, with this structure, each segment possesses a separate nervous circle, to each of which a ganglion is added, and that all the ganglia are connected together in a continued chain by two nervous filaments or threads [*fig.* 2 *e e e*]. It appeared, that in the earth-worm there is precisely the same structure, excepting that the filaments connecting the chain of ganglia are no longer double, but are concentrated into a single cord, while the ganglia themselves, as distinct bodies, disappear, the cord merely swelling a little from space to space, giving off two pair of nerves from each swelling, and one pair from each intermediate smaller part [*fig.* 3]; thus exhibiting, in this consolidation of the two nervous filaments, and of the series of ganglia into a single and continuous cord, a remarkable approximation, and, at the same time, an easy transition to the form of the spinal cord of the superior animals. We saw further, that in the crustacea, in which the body is, in every respect, more perfectly organized than in the preceding classes, there is a corresponding progression in the structure of the nervous system, this class of animals being the first that is distinguished for the possession of separate nerves, appropriated to the different senses, as was shown in the craw-fish, the cerebral ganglion being divided into four lobes, from which arise four large nerves—the optic, the auditory, the olfactory, together with those of the antennæ [*fig.* 4 *b*]. It was observed that the

*fig.* 3.

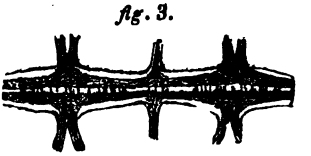
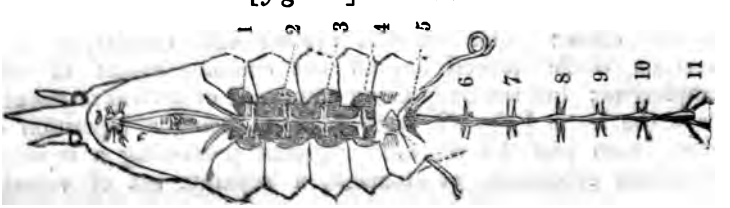
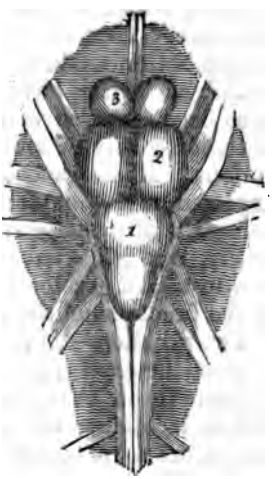


*fig.* 4.



principal circumstance, which distinguishes the nervous system of the vertebral from that of the intervertebral class, is the great degree of concentration which it experiences in all the tribes of vertebral animals, from the lowest to the highest, the concentration constantly increasing as we trace it through the ascending scale: that in fishes, for example, the concentration is so great, compared with all the tribes of inferior animals, that it is in this class we find the first indications of a structure bearing any true resemblance to that of a brain. Still, even in this class, the organ by no means consists, as in the higher orders, of a combination of individual portions, the whole constituting a single body, but of several bodies, distinct from, yet connected with, each other. It is composed of a series of ganglions, some of which are single, and are placed directly on the median line of the body [*fig.* 5 [1]], while others are double, and are placed along the median line in pairs [*fig.* 5 [2 3].] We found the resemblance to be so great in the class of reptiles, that the number, the disposition, the connexions, and the names of the ganglia are precisely the same as in fish: two new parts, however, are added, forming rudiments, which are so greatly developed in the next class, that of birds, as completely to change the appearance of the organ, the cerebral masses being now so much more developed, and so much more closely related, that they can no longer be termed ganglions, but are much more properly denominated lobes [*fig.* 6 [1, 2, 3]]; while, in all the mammalia, the brain ceases altogether to consist of ganglions or lobes, is no longer divisible into distinct bodies, but its different parts form one proper and connected whole.—*fig.* 7.

*fig.* 5.



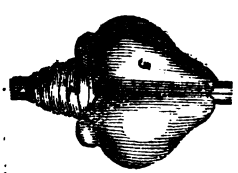



*fig.* 6.

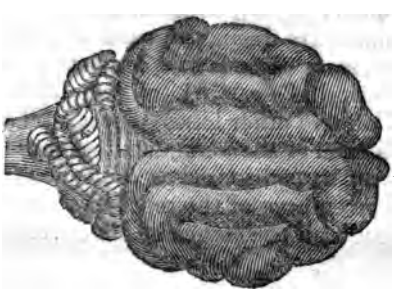


*fig.* 7.

The correctness of this view of the nervous system, exhibiting throughout the animal kingdom, wonderfully diversified as it is, one and the same connected whole, is most clearly and strikingly verified by the results of the recent researches which have been instituted relative to the fœtal development of the nervous system in the different orders of vertebrated animals. The brain had been dissected with the greatest care, for upwards of three thousand years, by men of the most splendid genius in their profession; yet, until lately, nothing was really ascertained of its structure; even its most simple form had not been discovered: it was not known that there is a primitive type, of which the wonderful diversities that we see are merely modifications: no one ever thought of examining it in different stages of its evolution: it occurred to no one to compare its transient state at different periods of its progress in animals of the most complicated, with its permanent state in animals of the most simple, structure. That idea was reserved as an appropriate reward for the better mode of investigation which modern anatomists and physiologists have adopted. The researches it suggested have been attended with a high degree of success, and have led to the discovery of facts the most extraordinary and the most curious. If the account we are about to give of these unexpected and singular phenomena be extremely brief and general, still we hope it will be intelligible to the unprofessional reader, and will enable him better to understand, and induce him to take a greater interest in, the exposition that is to follow, of the functions of the nervous system.

The primitive state of the spinal cord and brain in fish is not known, because the nervous system of these animals has hitherto been examined only in adults. It is probable that before it attains the permanent state in which it is found, it undergoes some transformations from a more simple form. As it exists in the adult fish, however, it is more simple than in any other order of the vertebral class of animals. The nervous system of the adult fish consists, as we have seen, of a spinal cord divided on its dorsal surface by a furrow into two equal portions [*fig.* 5], containing a cavity in its centre, which remains permanently during life, and of a brain, which in its most simple state, as in osseous fish, consists of a tongue-shaped body placed posteriorly [*fig.* 5. [1]], of two lobes anterior to this [*fig.* 5. [2]], and of two other lobes placed still more anteriorly [*fig.* 5. [3]]. This then is the permanent state of the nervous system in fish. It may be considered as the type of the class.

The embryo of the reptile has been examined with great care through all the stages of its development, but the investigation

is attended with peculiar difficulty at a very early stage, because the embryo itself is extremely small, and because the nervous fluid is of a dark colour.

No trace of the embryo of the frog can be distinguished until the sixth day after fœcundation, and no rudiment of the nervous system can be distinctly seen until the eighth or ninth day. Then there may be observed, both in the vertebral canal and in the cranium, which at this period are perfectly membranous, a fluid matter of a whitish grey color. It is not until the twelfth day that this white matter in the vertebral canal assumes the form of the spinal cord; but at this period the cord becomes distinctly visible. Serres states, that if in this stage it be examined with the microscope, it is seen to consist of two exceedingly delicate filaments which are united only on the abdominal surface, and separated through their whole extent on the dorsal, and that, consequently, at this period, they form a gutter rather than a canal [*fig.* 8 [1 2 3]]. But the correctness of this observation is doubted by other examiners. The same anatomist states, that on reaching the cerebral region, the two filaments separate from each other, and leave a broad space between them [*fig.* 8 [4]]; that on entering the cranium, they form on each side two curved lines [*fig.* 8 [5 7]]; that it is in the spaces described by these two lobes, that the nervous matter, which is afterwards to form the brain is deposited [*fig.* 8 [5 7]]: that this matter first appears under the form of two vesicles [*fig.* 9 [3 5]]: that of these vesicles, the posterior [*fig.* 9 [3]], which is by much the largest, is the rudiment of the optic lobes, while the anterior [*fig.* 9 [5]] is the rudiment of the cerebral. That the posterior vesicle [*fig.* 9 [3]] is the rudiment of the optic lobe, appears, first because it is large in proportion to the volume of the eye, which even at this early period is distinctly visible under the form of a black spot, and secondly, because the eye being so much developed, the optic nerve is proportionally large, and on observing with care the basis of the brain, the nerve can be distinctly traced from the eye into this vesicle. The posterior vesicle being the rudiment of the optic lobe, there can be no doubt that the anterior is the rudiment of the cerebral.

*fig.* 8.

*fig.* 9.

On the fourteenth day a new vesicle appears, which is placed between the optic and the cerebral [*fig.* 9 [4]]: it is the rudiment of the optic thalamus. From the sixteenth to the eighteenth day, all the cerebral vesicles enlarge, the matter of which they

are composed becomes more consistent, and they now assume the form of lobes. From the twentieth to the twenty-fifth day, there appear, immediately behind the optic lobes, two small laminæ of medullary matter [*fig.* 10 [2]], which it is observable, are not united on the median line. These constitute the first rudiments of the cerebellum. It is not until the thirtieth day, that these laminæ unite and form a perfect organ. This late appearance and completion of the cerebellum is very remarkable. On the thirtieth day, then, all the parts which compose the brain of the frog are formed: from this period, they change only by progressively enlarging in size.

*fig.* 10.

The changes which take place in the progress of the incubation of the egg are so interesting and instructive, that they have formed a favourite subject of observation in all ages, from the days of Hippocrates to our own. The gradual formation of the sanguiferous system, of the osseous system, and of the digestive canal in the embryo of the bird, had been diligently investigated by Harvey, Stenon, Malpighi, and Haller; but the primitive appearance, and the successive development of its nervous system, did not particularly attract the attention of these distinguished physiologists. Lately, this subject has been carefully examined by a great number of observers. It is found that all which is necessary to carry on the evolution of the fœcundated egg, is a regulated temperature. Dumas has invented an instrument by which an equal temperature is maintained without intermission day and night, and under this management, the evolution is found to proceed with the utmost steadiness and regularity.

The first rudiment of the nervous system of the bird becomes distinctly visible about the twentieth hour after incubation. It consists of a delicate white cord, which when examined with the microscope, is said, as in the embryo of the frog, to be composed of two filaments [*fig.* 11 [1 2 3 4 5 6]]. These filaments are

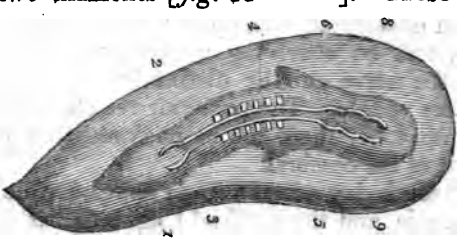


*fig.* 11.

described as forming, at their anterior extremity, three curves

[*fig.* 11 [5 8 9]] as in the embryo of the frog there were two. It is further stated, that at this period these filaments are united neither at the anterior nor the posterior extremity [*fig.* 11 [1 2 8 9]]; but that from the twenty-fourth to the thirtieth hour they are united at both [*fig.* 12 [1 8]]. At this period also the interspaces de-

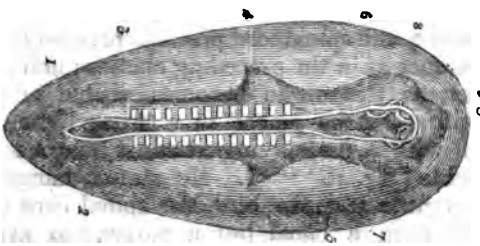


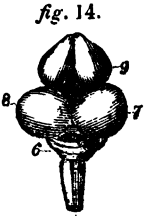
*fig.* 12.

scribed by the curves of the filaments begin to be occupied by medullary leaves, which by the thirty-sixth hour assume a form distinctly vesicular [*fig.* 12 [7 8]]. Of these vesicles the posterior [*fig.* 12 [6]] constitutes the rudiment of the medulla oblongata: the middle [*fig.* 12 [7]]—that of the optic lobes: and the anterior [*fig.* 12 [8]]—that of the cerebral. The vesicle of the optic lobes is by much the largest, and is always the first to appear.

On the fourth day a new vesicle is found situated between the optic and the cerebral [*fig.* 13 [7]]; it is the rudiment of the optic thalamus. On the sixth day the rudiment of the cerebellum appears [*fig.* 13 [5]]. When this organ first becomes visible it consists of two delicate medullary leaves; one on each side, not in contact with each other, which appear to be disengaged from below the optic lobes [*fig.* 13 [5]]. If the encephalon of the bird at this period be compared with that of the frog on the twenty-fifth day of its fœtal life [*fig.* 10], it will be found to be so similar, that were the devolopement of the brain in these two classes arrested at this stage, they would present a perfect identity in their composition. From the sixth to the tenth day the cerebellum gradually enlarges, and at length completely covers the fourth ventricle [*fig.* 14 [6]]. At this period the optic lobes are removed from their original position; and are no longer placed on the median line, but at the sides of the encephalon [*fig.* 14 [7]]; while on the twentieth day the last changes take place. The cerebellum now becomes more elongated and round, and its surface is covered with numerous fur-

*fig.* 13.

*fig.* 14.



rows [*fig.* 15 [6]]. The optic lobes are placed completely at the sides of the encephalon [*fig.* 15 [8]], and the cerebral lobes are so much increased in size that they form by much the largest portion of the brain—*fig.* 15. [9].

*fig.* 15.

Serres maintains that in all the mammalia and in man the rudiment of the spinal cord presents precisely the same appearance as in the preceding classes; and that, if as soon as this organ becomes visible in the human embryo, it be placed in a strong light and examined with a magnifying-glass, it may be distinctly seen to be double [*fig.* 16 [1 2 3 4]]. He states, moreover, that as in the reptile and the bird the spinal cord does not primitively form a canal but a gutter, so in the embryo of all the mammalia the two filaments which compose the cord are united only on their anterior surface; and that in the human fœtus they become united in the posterior surface in the course of the second month, and thus constitute a true canal. We have seen that in fish this canal remains open permanently during the whole period of life, and that it is the same with the reptile and the bird: in like manner it primitively exists in all the mammalia: in the lower tribes it is not entirely closed even at birth, although at this period it is always small. In the early stage of its evolution it is very large in the human embryo: at the fourth month it begins to contract; at the fifth it is very much diminished in size, and during the course of the sixth it is obliterated.

*fig.* 16.

In the fish the spinal cord is of a like diameter throughout, and its diameter remains uniform during life: in like manner in the early embryo of the reptile and the bird the diameter is quite uniform, but as the limbs are developed, a superior and an inferior enlargement are formed: it is precisely the same with the embryo of the mammalia, and with that of man.

In fish the spinal cord extends to the bottom of the vertebral canal, and it always remains there. In the early embryo of the frog it is the same, but from the twenty-fifth to the thirty-first day it ascends considerably in the canal. It is the same at different periods of its evolution with the embryo of the bird and of all the mammalia. Primitively, in the human embryo, the spinal cord is found prolonged to the very extremity of the coccyx, but during the second month it begins to ascend in the vertebral canal, and by the fifth month it has ascended as high as the fifth lumbar vertebra, where it remains fixed during life. Thus the primitive appearance of the spinal cord is precisely the same in the reptile, the bird, the mammalia, and man: in all, the

primitive form undergoes a progressive development from a rudimentary to a more perfect state; and in all, the progress of that development is precisely the same up to a certain point: in the lower animals the progress stops; in the higher it goes on: in the lower the spinal cord remains permanently what it was in all at a certain stage of its evolution: in the higher the transition advances further and further in proportion to their elevation in the scale.

The care with which the development of the spinal nerves has been examined has led to the observation of a curious fact. It is found that in the mammalia no nerve is in communication with the spinal cord previously to the fifth week of fœtal life. Neither with the naked eye, nor with a powerful magnifying-glass, nor even with the microscope, is it possible before this period to discern a single nerve in contact with the spinal cord throughout its whole extent, although the nerves themselves are perfectly distinct. At the sixth week, in the embryo of the calf and horse, they may be seen beginning to implant themselves by their anterior and posterior filaments upon the corresponding lateral parts of the spinal cord, and at this early period their ganglion is distinctly visible. The cervical nerves are the latest to unite with the spinal cord. Serres states, that he has often succeeded in tracing them along the back up to the vertebral foramina, beyond which they do not as yet extend, not one of them being at this period in contact with the cord itself. If this fact be established by subsequent observation it will be decisive of the long-agitated controversy, whether the nerves proceed from the spinal cord and the brain, and are properly productions of them: it will prove what the most eminent physiologists have long maintained that each part of the nervous system is of independent formation, and that the nerves in particular have their origin in the organs which they are usually said to supply, and not in the central masses with which they communicate. Serres contends, that in all embryos without exception, sooner or later according to the class, the nerves are formed before they are put in communication with the brain and the spinal cord, and that the fact is analogous even in invertebrated animals, for example, in the larvæ of insects in which the formation of the lateral filaments is found to precede that of the central ganglions.

It has been stated, that in fish, reptiles, and birds, the spinal cord is divided by a furrow into two lateral fasciculi, and that these fasciculi remain permanently smooth. In like manner they are smooth in all the mammalia, and in the human embryo, until an advanced period of their evolution, that is, about the fifth month, when new fibres are deposited on their surface, and

form the prominences termed the corpora pyramidalia, and the corpora olivaria.

The primitive state of the brain in the inferior classes, as we have seen, is vesicular, and these vesicles are three in number. It is precisely the same in man. Primitively the brain of the human embryo consists of a posterior vesicle, the rudiment of the medulla oblongata [*fig.* 17 [6]], a middle vesicle, the rudiment of the optic lobes [*fig.* 17 [7]], and an anterior vesicle the rudiment of the cerebral lobes [*fig.* 17 [8]]. At the end of the fifth week the appearance of these vesicles is represented in [*fig.* 18] The posterior [*fig.* 18 [3]], representing the rudiment of the medulla oblongata: the middle [*fig.* 18 [4]], representing the rudiment of the optic lobes, or as these bodies are termed in man, the tubercula quadrigemina: the anterior [*fig.* 18 [5]] representing the cerebral lobes. It will be found that the form of the brain in man, as it exists in this early stage of his fœtal life is precisely similar to the form of the brain in fish, as it exists in its permanent and adult state. This is seen in the most striking manner by comparing the general form of the human brain at this period [*fig.* 18] with the permanent form of the brain in the pike for example—*fig.* 19.

*fig.* 17.

*fig.* 18.

*fig.* 19.

In the first stage of its evolution then, the appearance of the brain is precisely similar in all the classes: it resembles the permanent form of the brain of fish, the lowest class. To this form it continues to bear a resemblance for some time, but while in the fish this form remains unalterably the same during the whole period of life, in the reptile, the bird, the mammalia, and man, it changes gradually, and changes more and more the higher the class, and the more advanced the period of fœtal life.

It is remarkable not only that the brain considered as a whole is precisely similar in all the classes of vertebral animals in the early period of the fœtal life; but that all the different parts of the brain are evolved precisely in the same order, and pass through precisely the same transformations. It has been stated, that in the embryo of the reptile, and the bird, the cerebellum is the last organ that is formed: in the mammalia and man it is equally the last to appear. Serres supposes, that this late evolution of the cerebellum, is owing to the slow develop-

ment of the vertebral artery, the formation of the sanguiferous uniformly preceding that of the nervous, as well as of all the other systems, and presiding over them. It has been stated, that in the reptile the cerebellum consists primitively of two small laminæ, one on each side [*fig.* 10 [2]]. In the bird it is the same [*fig.* 13 [5]]. In the mammalia it is just the same. As we advance from the lower to the higher tribes of the mammalia, the cerebellum becomes more and more developed. In the Rodentia, the vermiform process is large, and the hemispheres are small. In the Ruminantia, the vermiform process is relatively small, while the hemispheres are much increased in bulk. The relative condition of parts found in the human embryo, at different stages of its development, is exactly similar. In the early stage, the vermiform process is large in proportion to the size of the hemispheres, just as it is permanently in the Rodentia; in the latter period of its evolution, on the contrary, the hemispheres have increased so much in magnitude that they not only equal, but greatly exceed the bulk of the vermiform process. These curious facts show, that in all the class of vertebral animals the primitive type of the cerebellum is the same; that its organization progressively advances from the fish up to man, and that in the successive steps of this extended scale, the embryo of the superior animal passes through all the different forms which are retained permanently by the lowest.

The same fact is established, by observing the successive evolution of the other parts of the brain. It is found that in all animals, the less developed the brain, the larger are the optic lobes. In the fish and the reptile they are so large, that they are incapable of being covered by any other part of the brain: as soon as this organ is exposed, they are therefore always seen naked on each side of the median line of the body; in the bird a considerable portion of them is also naked: in like manner in the lower orders of the mammalia they are naked in a great measure, and in the human embryo it is just the same, and the younger the embryo, the more they are uncovered. In the fish, the reptile, the bird, they are hollow, and in these animals they remain permanently hollow during life: in the mammalia, too, they are always hollow; in like manner in the human embryo, at an early stage, their cavity is so large that they form a true ventricle: this ventricle continues open until the termination of the seventh month; but at this period, its walls which have progressively increased in thickness, unite, and thus form a solid body, so that it is now scarcely possible to imagine that it ever contained a cavity. In this manner the optic lobes, or as they are termed in the mammalia and man, the tubercula quadrige-

mina, pass in the progress of their development through the different forms which are retained permanently in the lower animals.

It has been stated that the volume of the optic thalami is invariably in proportion to that of the cerebral hemispheres; and this relation is steadily observed through the whole period of the fœtal state. Gradually as the cerebral hemispheres are developed, the optic thalami increase in magnitude.

And the same is true in every respect of the corpora striata. These bodies have no existence in fish, in which entire class the cerebral lobes are extremely small. In the reptile, the cerebral lobes increase very considerably in magnitude, and in this class, for the first time, the corpora striata begin to appear. In the bird, and in all the mammalia, these bodies are comparatively large; because in both these classes the cerebral lobes are of considerable magnitude: the same is observed in the human embryo, for until the second month there is no trace whatever of these bodies; but, after this period, the cerebral hemispheres increase so rapidly, that they soon preponderate over all the other parts of the brain, and the corpora striata maintain the same progressive increase in magnitude.

It is established by the fullest evidence, that in all vertebral animals the cerebral lobes are primitively precisely similar, and that they ultimately differ from each other so greatly, only because the progress of their evolution is arrested in the different classes at different stages. In the lower classes, the development stops short at a certain point; in the higher it goes on. In the human embryo of the sixth week, the cerebral hemispheres are truly rudimentary: they are in fact cerebral lobes: they are precisely similar to the permanent cerebral lobes of fish [*fig.* 18 [5]. *fig.* 19 [4]]. In the human fœtus of this age, the cerebral lobe is smaller than the optic [*fig.* 18 [5 4]], just as it is in the pike [*fig.* 19 [4 3]]. But in the fish, this proportion is preserved through the whole of life, while in the human fœtus it is only temporary. For at the commencement of the third month, the cerebral hemispheres are larger than the optic lobes; and by the end of the month they have so much increased in bulk, that all analogy between them and the cerebral lobes of fish is at an end. Up to the third month, however, the analogy between them is perfect. Were we to retrace the development of the cerebral hemispheres, in all the classes, in every point, we should find only a repetition of the same fact: we should see that in the human fœtus these parts of the brain, in the progress of their evolution, pass through all the states in which they exist permanently in the reptile, the bird, the lower and

the higher mammalia, and that were their development stopped at different stages, they would present at one time an appearance precisely similar to the cerebral lobes of the reptile; at another to those of the bird; at another to those of the lower mammalia, and at another to those of the higher; while retaining neither form long, but passing through each in succession, they ultimately proceed beyond them all, and assume the appearance and structure peculiar to these bodies in man.

From this account of the progressive development of the nervous system, it seems just to deduce the following general conclusions. 1. The primitive form of the nervous system in the inferior classes, with slight modifications, is its permanent form. 2. The primitive form of the nervous system in the superior classes is not permanent but transient. 3. In the progress of its development in the superior classes, the nervous system passes successively through the different forms which constitute its permanent state in the inferior classes. 4. The parts of the nervous system first formed, appear to be the nerves, and especially the nerves of the trunk, head, and pelvis, which seem to be tolerably developed, while the spinal cord is yet fluid. The nerves are not primitively in communication with the spinal cord and brain, much less do they originate in these bodies, as the common language of anatomists would lead us to suppose, but they first appear in the organs to which they are usually said to be distributed, and from these they proceed towards the spinal cord and brain, with which they ultimately become united. 5. The elementary parts of the nervous system in all the classes are identical. There is a primitive type common to all, consisting of a spinal cord, of two lobes corresponding to the tubercula quadrigemina, of two other lobes corresponding to the cerebral hemispheres, and of two transverse laminæ corresponding to the cerebellum. Ultimately these parts become greatly modified; the differences increase as the animal rises in the scale; and if, in the progress of its evolution, any cause occur to arrest the development of any part of its nervous system, the animal may be born with the nervous system proper to a different class. And this actually occurs occasionally in the case of monsters: thus, a higher animal may be born with a brain similar to that of a lower animal; but it never happens that a lower animal is born with a brain similar to that of a higher animal. 6. The fundamental parts of the nervous system being the same in all the classes, these parts are yet by no means equally developed in all. In one class, one part predominates, in another class, another. The preponderating part gives to its class its dis-

tinctive character. Thus, in fish, the optic lobes preponderate; in reptiles, the cerebral; in birds, the cerebellum and the cerebral lobes; and in man, the cerebral lobes. 7. Wherever a fundamental part becomes predominant in a class, or experiences any peculiar modifications, new parts are developed, which bear a strict relation to the fundamental, as is seen in the appearance of the optic thalami and the corpora striata, and the relation which these bodies bear to the cerebral hemispheres. 8. In general, when a fundamental part is much developed, it is found to be hollow. The effect of a ventricle is to extend the surface of the body in which the cavity is formed, and the object of this extension of surface appears to be to allow a free access to blood-vessels. 9. In proportion as a part is developed, the number of fibres of white matter is increased. The peculiar properties of the nervous system appear to have their principal seat in the fibres or white matter. 10. Wherever the white fibres are accumulated, the grey substance is likewise proportionably accumulated. If the white matter be so much increased as to become the seat of any special function, a large quantity of grey matter is invariably found in combination with it. Thus, the nerves distributed to the electrical apparatus of the electrical fish, at the points where they are in communication with the brain, are surrounded with large masses of grey substance which are peculiar to this fish. Many examples of the same fact are found in all the different classes, the observation of which led Gall and Spurzheim to believe that the grey matter is the matrix of the white and forms it. The justness of this deduction has not been confirmed by subsequent investigation; and indeed seems to be completely disproved by the observation that, in the development of several parts of the fœtal brain, the white matter appears before the grey, and therefore cannot possibly be formed by it; and, by the fact, that in the adult brain, apoplectic cells are filled up by the deposition of white matter which is formed anew without the intervention of any grey substance. The grey matter is found to consist almost entirely of blood-vessels. Tiedemann, who not only admits, but insists upon the facts, that wherever the white fibres are greatly increased, the grey substance is proportionally augmented, thinks that this grey substance, does in some mode or other, exalt the nervous functions, probably by affording to the white fibres a more abundant supply of blood. 11. Serres is of opinion, and maintains that microscopical observations establish the fact, that all the parts of the nervous system were primitively symmetrical; that every single part was originally

double; that there were not only two filaments for the spinal cord, but likewise two cerebelli, at least two distinct portions forming the rudiments of the organ: in like manner that there were two Tubera Annularia, two Corpora Callosa, two fornices, and so on. The correctness of this opinion has been called in question by several distinguished observers, and seems, indeed, to be extremely doubtful. 12. The same anatomist contends, that the development of all the parts of the nervous system depends on that of the sanguiferous; that in the embryo of all classes, the arteries which successively appear are, first, those of the spinal cord; secondly, those of the cerebral hemispheres; and thirdly, those of the cerebellum: that accordingly this is the invariable order in which these organs are developed; that the arteries uniformly appear first; that they entirely control the subsequent development of every part of the nervous system, and that a strict relation is observed between the size of the different parts of the brain and the calibre of their arteries. This principle is applied in a very ingenious manner, and with much plausibility, to account for the formation of monsters. Thus it is found, that with the absence or the diminished size of certain arteries, the organs to which they correspond either entirely disappear or are reduced to a state merely rudimentary: on the other hand, if any parts of the arterial system be preternaturally developed, either in bulk or number, the organs to which they correspond are proportionally increased. If an embryo be arrested in the progress of its fœtal life; if, for example, it be without the cerebellum, it is destitute of the vertebral artery; if without the corpus callosum, it is destitute of the artery of the corpus callosum; if without the cerebral hemispheres, it is either wholly destitute of the internal carotids, or these arteries are extremely small. In like manner, monsters formed without brain are destitute of cerebral arteries; acephali are without the common carotids. In like manner, monsters without anterior extremities, like the biped reptiles, are destitute of axillary arteries; the bimana of femoral arteries; if the renal, the uterine, the vesical arteries are absent, the kidneys, the uterus, the bladder, disappear. On the other hand, if the vertebral arteries are doubled, they produce a double cerebellum; if the common carotids are doubled on each side, they give origin to a two-headed monster; and if tripled, to a three-headed monster, and so on. If the descending aorta be double, there will be two trunks, while, if the ascending aorta be simple, the head will remain single; if there be double axillary arteries on each side, there will be four anterior extremities; if

double femoral arteries, four posterior extremities. A double middle sacral artery will give origin to a double tail, but it is observable, that whatever monstrous shapes arise in this manner, no such monstrosity has hitherto been discovered as the junction of the head with the sacrum, or the union of the tail with the head, because the carotid artery has never yet been found to arise from the middle sacral, and so on.

Such are some of the more curious and important facts which have been observed in tracing the progressive advancement of the nervous system, from its most simple to its most complex state, and from the earliest stage of its fœtal life to its mature condition. This comparative view of the structure of the system may perhaps enable us to enter with more advantage on the consideration of its functions.

In treating of the functions of the nervous system, we shall first consider the phenomena themselves: and, secondly, state how far it is ascertained that particular parts of the system are the seat of specific functions.

We must begin with the consideration of these functions in the higher classes, on account of our total ignorance of their nature in the simple beings, in which the first traces of the nervous system are found. What functions are performed by the nervous threads in the zoophyte, in which the first appearance of nervous matter is discerned; whether in the articulata, in which ganglia are superadded, a different function is performed by the filament and by the ganglion, we are wholly ignorant. Until lately, our ignorance was nearly as profound relative to the distinct functions performed by the different parts of the system in the higher classes; but the care and exactness with which modern physiologists have investigated the subject, have shed considerable light both upon the functions themselves, and upon the share allotted to particular parts of the apparatus in their execution.

In all the higher classes, the nervous system considered as a whole performs two distinct functions, the nervous and the sensorial: or it may be considered as the seat of two distinct powers or faculties, which may be designated by the same names.

To the first of these powers, the nervous, belong four phenomena, which are referable to it as their cause, or which may be said to distinguish its action; namely, 1, the transmission to the voluntary muscles of the specific stimulus, by which they are excited to the performance of their functions, that is, the stimulus of volition; 2, the transmission of impressions received from the organs of the external senses to the central masses of

the system; 3, the communication of a certain unknown influence to the blood, by which the secreting and the other assimilating processes, necessary to preserve the integrity of the different organs, are maintained; 4, the disengagement of a certain portion of caloric by which the temperature essential to animal life is sustained. All these phenomena are referable to one agent. Besides this agent, there is no known power in nature capable of producing effects in the least degree analogous. For this reason it must be regarded as a distinct and independent power. There is indubitable evidence that its residence is in some portion of the nervous system.

The second nervous power, the sensorial, is that on which the faculties of sensation, of volition, and of those termed intellectual, depend. For reasons immediately to be assigned, this power must be considered entirely distinct from that properly termed nervous, and as separate from, and independent of, any other. On the action of the nervous power, besides the transmission of impressions, depend certain processes which are essential to life: on the action of the sensorial, certain processes which are requisite to perception: the first maintains existence, the second communicates sensation and intelligence. This broad line of distinction recently drawn between these two classes of phenomena, for which we are indebted to Dr. Wilson Phillip, has materially contributed to render our conceptions of the functions of the nervous system clear and precise.

The first phenomenon exhibited by the action of the nervous power is the transmission to the voluntary muscles of the specific stimulus by which they are excited to the performance of their peculiar function. In a preceding article it was shown that the distinctive characters of animal life are spontaneous motion and sensation. Spontaneous motion of every kind is accomplished by the simple process of contractility—that is, the power which the muscular fibre possesses of approximating its two extremities, or shortening itself. In all the higher animals, contractility is the property of one tissue alone. The muscular fibre is the only substance which possesses it in the slightest degree; and all the movements of the animal body, infinite and incessant as they are, are accomplished by this single property of this single tissue. The power of contraction is inherent in the muscular fibre, and yet the muscular fibre is incapable of contracting of itself. For the exertion of the power, the intervention of some other agent is indispensable. That agent, whatever be its nature, is termed a stimulant. In all muscular contraction, the concurrence of two things is thus absolutely necessary; first, the capacity to act on the applica-

tion of a stimulus; and secondly, the presence of a stimulus to excite the action. Among all the phenomena of muscular contraction, nothing is more surprising than the number and variety of the substances which are capable of becoming stimulants. Every body in nature may indeed act in this manner upon the muscular fibre, because the mere contact of any physical substance is sufficient to produce upon it a stimulant effect. The substances which thus operate upon it are so various and opposite, that they appear to possess no property in common, except that of being a stimulant to the muscles. For the sake of convenience, however, a sort of classification of such substances has been attempted, and they have been arranged into mechanical, chemical, and vital stimulants. And yet it is truly remarkable, that while the specific property of the muscular fibre is called into action by such an infinite variety of agents, it is found that particular fibres, without any appretiable difference in their structure, are obedient only to particular kinds of stimulants. Certain muscular fibres are excited to their specific action by particular substances, and by no others. The blood, for example, is the specific stimulus of the heart and blood vessels; the food, of the stomach; the chyle, of the lacteal vessels; the urine, of the bladder; and volition, of the muscles termed voluntary. This law is one of the most curious in the whole animal economy; and there is a particular application of it which possesses peculiar interest, because it seems to afford some explanation of one of the most striking peculiarities in muscular action itself, a peculiarity which attracted the attention of physiologists at an early period of the study, and of the true account of which no glimpse was obtained until very recently. Certain muscles we know are under the control of the will: others are wholly independent of it. Why is this? Why should we be able to exert a complete command over one set of muscular fibres, and none whatever over another? The researches of modern physiologists have assigned the probable cause of this curious property of the muscular fibre, a property which is of so much use in the animal economy—a property which is indeed essential to animal existence, but the reason of which appeared to be involved in such deep obscurity. The voluntary muscles are obedient to the will, because the appropriate stimulus of such muscles is the nervous power, and the will is always capable of communicating that power to them. By a large deduction from experiments which have been conducted with remarkable exactness, Dr. Wilson Phillip appears to have established the very important fact, that the action of all the involuntary muscles is totally independent of the nervous system.

This appears to be a direct and unavoidable inference from the fact which he has ascertained, that the power of contraction continues in these muscles long after the nervous system is destroyed. The voluntary muscles are dependent for their action upon the nervous power, which volition is the appropriate medium of applying to them: therefore they are under the control of the will; the action of the involuntary muscles is wholly independent of the nervous power, and therefore they are beyond the control of the will. The two sets of muscles are excited to their specific actions by specific stimulants, totally different in their nature, the voluntary by the nervous power, the involuntary by agents differing in every different organ—a specific stimulus being provided for each, adapted to its peculiar function. The will can direct to any one, or to any set, of voluntary muscles, their appropriate stimulus, the nervous power, or can withhold it from them. The will cannot direct to the involuntary muscles their appropriate stimulus: its only influence is over the nervous power, and to that the involuntary muscles are insensible. The blood applied to the internal surface of the heart, for example, excites it to contraction, independently of volition, which can neither increase, nor lessen, nor in any manner modify its operation. This, then, is the great cause upon which the essential distinction between the action of the voluntary, and of the involuntary muscles depends: each is excited to its appropriate function by its own stimulus, which to each is specific and independent. That the exertion of volition is in the strictest sense a stimulus to the voluntary muscles, and, like every other stimulus, merely excites to action a power inherent in the fibre, is established by the fact, that volition exhausts the excitability of the muscle just as any other stimulus would do; and that it acts upon the muscle through the medium of the nerves, and only through their medium, is proved by the fact that, if the nerves distributed to a muscle be injured or destroyed in any part of its course, though volition be excited, and though the muscle itself be perfectly capable of contracting, yet no contraction can take place. In this case the instrument is sound and capable of its wonted action, but the power necessary to put it into motion is prevented from reaching it. Such is the first function of the nervous power, that of conveying to the voluntary muscles the stimulus of volition, on which their action depends.

The second function performed by the nervous power, is the transmission of impressions received from the organs of the external senses to the central masses of the nervous system. Impressions made upon an organ of sense, are communicated to

the brain by the nerves: there they become sensations. For the conversion of an impression into a sensation, the operation of the sensorial power is indeed indispensable, but the media by which impressions are transmitted to the brain, are the nerves, the proof of which is, that though the organ of sense be sound, if the nerve be destroyed or injured in any part of its course, no impression is communicated.

The two functions which have been mentioned, are not *directly* connected with any vital process: they are the means by which the external world acts upon the animal, and the animal reacts upon the external world, but the phenomena which follow dependent on the same power, are *immediately* connected with the most important vital functions. In all animals whose mode of existence resembles that of man, there is provided a pecular fluid which serves for the support of the system, and from which the materials of its nutrition are derived. This fluid is kept in continual motion: it describes a circle, in going the round of which, it is conveyed to every part of the body, even its minutest portion. The great source of motion in the circulating fluid is, the contraction of the muscle, termed the heart. Two sets of vessels go off from the heart, one of which conveys the blood from that organ and distributes it to the system; these vessels are called arteries: the other returns the blood from the system to the heart: these vessels are termed veins. The arteries, in their course to the different parts of the system, divide and subdivide to an extreme degree of minuteness, until at length their ultimate branches become invisible. These invisible branches of the arterial vessels, are denominated capillaries: the capillaries terminate in the veins: it is in the capillaries that those important changes go on which constitute secretion, nutrition, and all the other processes by which the integrity of the different textures of the body is maintained. Now the arterial blood, the fluid contained in the capillaries, is the material *on* which these necessary changes are operated: the agent *by* which they are effected is the nervous power. This important fact has recently been ascertained, and in so far as the distinct apprehension of the different stages of a process may be considered as constituting the knowledge of it, the discovery has shed a gleam of light on the process of secretion; a process hitherto involved in the most profound obscurity.

Digestion is performed chiefly by the fluid secreted by the inner surface of the stomach, termed the gastric juice. The abstraction of the nervous influence from the stomach renders it incapable of performing the function of digestion, probably by interrupting the due secretion of this fluid. The stomach

derives its nerves from the eighth pair. By experiments performed on animals, it is ascertained, that if a part of this nerve be removed, the process of digestion is completely stopped. If this experiment be performed on a rabbit which has been allowed to fill its stomach with its usual food, and if the stomach be examined twenty hours after the operation, it is found that no change whatever has taken place in the food. It remains exactly in the same state as when it left the mouth, merely divided by mastication, and preserving perfectly both its colour and smell. In order to ascertain whether this complete suspension of the digestive process was occasioned, as might be conceived, by the pain and injury inflicted by the operation, the following experiment was performed. Two rabbits of about the same age, were fed in the same way. In both, the eighth pair of nerves were brought into view. In one rabbit a part of each nerve was removed: in the other, after being raised on a probe, both were replaced without injury. After the operation, both rabbits were allowed to eat as much parsley as they chose. When the rabbit, in which part of the nerve was removed, died, which happened in about twenty hours after the operation, the other was killed. In the former, the food was found wholly undigested; it could not be distinguished from parsley chopped small with a knife: in the latter, the digestive process had gone on as usual, and the food was found just in the same state as in a healthy rabbit. All the experiments of this kind which have been performed (and a reference to the work of Dr. Wilson Phillip will show that they have been abundantly numerous), concur to establish the fact, that the constant and regular supply of an influence derived from the nervous system is indispensable to secretion and nutrition.

It is found to be equally necessary to the maintenance of animal temperature; and the support of that temperature is the fourth function performed by the nervous power. In his experiments on poisons, it had been observed by Mr. Brodie, that in proportion as poisons impair the vigour of the nervous influence, they lessen temperature. It was observed by Dr. Wilson Phillip, in the course of experiments performed with other views, that, in proportion to the extent in which the nervous system was lessened, that is, in which portions of the spinal cord were destroyed, the temperature fell. The detail of these experiments would occupy more space than we can now spare; we must refer for a full account of them to his truly valuable work. The conclusion to which these experiments seem clearly to lead is, that the caloric which supports animal temperature is disengaged by the same agent as that by which the formation of the secreted

fluids is effected, namely, by the action of the nervous power upon the blood.

Such are the several phenomena which are referable to the nervous power. That the sensorial is another power distinct from the former, and independent of it, is inferred from the fact, that it is possible to insulate the one from the other, that is, to withdraw from the animal body, the power on which one set of functions depends, without immediately destroying the agency of the other.

At the instant of death, the sensorial functions cease: no impression is received: consciousness is at an end, and volition of course can no longer exist. After this period, the nervous power continues to operate with almost unabated energy. Long after the animal has become insensible, that is long after the sensorial power is destroyed, if the nerves, or those parts of the spinal cord with which the nerves are in communication, be irritated, the corresponding muscles are thrown into action. This, it is obvious, could not possibly happen, unless the nerves were still capable of receiving and transmitting impressions: unless they retained the power of conveying to the muscles their specific stimulus. By a series of experiments performed for the express purpose of ascertaining these phenomena, and which are so full and conclusive, that it is quite impossible to resist the evidence they afford, it is further established, that the nerves are still capable of effecting the formation of the secreted fluids, and of causing a disengagement of caloric from the blood. Thus, after the destruction of the sensorial power, the nervous is capable of performing *all* its functions, with the single exception of conveying impressions to the sensorium; of its retention of which faculty there can, of course, be no evidence when the sensorial power is destroyed: it does not seem possible, therefore, to avoid the conclusion, that the two powers are separate and independent.

In a strict sense, indeed, no power in the animal economy is independent of any other: the muscular, the nervous, and the sensorial, in an especial manner, are so closely connected, that the existence of each is indirectly dependant on that of the others: in this sense they may justly be called the vital powers. But there is this great distinction between them. The muscular and the nervous powers are the direct means of maintaining the life of the animal, and at the same time, of connecting it with the external world, the nervous receiving impressions from the external world, and through the muscular communicating impressions to it: both are the result of inanimate agents acting on vital parts. But the sensorial power does not directly

maintain animal life; its influence is required only indirectly; only because it is necessary to processes that are immediately vital—to respiration, for example, which is a voluntary action. The sensorial power is excited to action by no impressions excepting those that are communicated through the nervous system: the *main* object of the nervous power is to minister to the sensorial: the muscular and the nervous powers are the result of inanimate agents acting on vital parts: the sensorial power is the result of vital parts acting on each other.

Of the several phenomena which are referable to the sensorial power; namely, those which relate to sensation, to volition, and to the operations termed intellectual, we have left ourselves space to say but a word or two.

When we attempt to define sensation we find that we can fix on no definition that is satisfactory, because we know of nothing that is more simple or ultimate than itself. All it is possible to do is to observe the phenomena, to mark their order of succession, and clearly to express them.

If the finger be pressed against the table we are conscious of a certain effect which is produced upon the finger. This effect is termed an impression. Of the different tissues of which the finger is composed we learn from observation and experiment that the power of receiving this impression belongs to one only, namely that which is termed the nervous. We observe further, that the nerves having received impressions from external objects, transmit these impressions to the brain, that in the brain they become sensible to the mind, and that thus they constitute sensations or perceptions. For the production of sensation a particular apparatus is provided which is termed an organ of sense. This apparatus consists essentially of two parts: First, a peculiar composition of organized substance, specifically adapted to receive and modify certain impressions: secondly, a quantity of nervous matter, suitably disposed for the reception of the impressions after they have been thus modified. Between the nervous matter belonging to the organ of sense, and the nervous mass constituting the brain, a direct communication is established by means of the cord-like substances termed nerves. An impression being received by the organ of sense, is conveyed by the nerves along their whole course, to the brain, where, as has been stated, it produces a sensation. In this operation there are three distinct stages. First, the original impression on the sentient nervous extremities: secondly, the transmission of the impression along the trunk of the nerve to the brain: thirdly, the reception of it by the brain. That no impression can be perceived by the mind unless it pass through each suc-

cessive step of this process, is established by the fact which has been fully ascertained by numerous observations and experiments, that if the organ of sense be injured, if the continuity of the nerve be interrupted, if the structure of the brain be in any considerable degree deranged, the proper effect does not follow from the application of the impression. The eye is an optical instrument, consisting essentially of a lens adapted for receiving the rays of light, and bringing them into a proper state for forming an impression on the retina. The retina is the expansion of the optic nerve at the back part of the eye: the trunk of this nerve is in contact and union with the under part of the brain: now, in order that vision may take place, it is necessary that the eye be sound, that the retina be sound, and that that portion of the brain with which the optic nerve is in communication be sound, for it is found that blindness is equally produced by a disease of the eye itself, or by a disease of the retina, or by a disease of that portion of the brain with which the optic nerve is connected.

Such is the series of phenomena which constitutes the process of sensation, and such the order in which the phenomena succeed each other. The conditions essential to the production of the phenomena are a certain continuity of nervous substance, freedom from pressure, and a continued supply of arterial blood.

Two facts show, in opposition to an opinion which, until lately, universally prevailed, that an absolute continuity of nervous substance is not requisite. The first is afforded by a highly curious and important case recorded by Desault, a celebrated French surgeon, who states that a soldier was wounded by a bullet which passed through the spinal cord; that the spinal cord was by this means *completely divided,* that the man lived thirty-six hours after the event, and that no insensibility whatever came on in the lower extremities, or in any other part of the body. Supposing the case to be as Desault states, of the perfect accuracy of whose account there does not appear to be the slightest reason to doubt, it would not be possible to invent a circumstance more completely contradictory to the prevailing, and what seemed the best established, opinions relative to the action of the nervous system. The only analogous fact is one which has recently been ascertained by direct experiment, and which is equally curious and important. In the Philosophical Transactions for 1822, Dr. Wilson Phillip, and Mr. Brodie state, that if a nerve be divided, and if the cut ends are placed at a distance of not more than a quarter of an inch from each other, the nervous influence is not interrupted, but the secretions of the organ to which the nerve is distributed go

on. This experiment shows that the same is true of the transmission of the nervous influence, as is indicated by Desault's case respecting the sensorial influence: each affords a fact applicable to each of the nervous powers, which appears to be decisive of the point that an absolute continuity of nervous matter is not indispensable to the performance of the functions of the nervous system.

2. The second condition necessary for the production of sensation is, that the nervous substance be free from compression. Pressure, either upon the nerve, upon the spinal cord, or upon the brain, if it be to any considerable extent, and suddenly applied, destroys sensation. Sometimes if the pressure be slowly applied, as in the gradual accumulation of water in the ventricles of the brain, or the slow growth of a tumor in the cerebral substance, insensibility is not produced until the pressure becomes very great, because the brain has the power of accommodating, and even of modelling, itself to the foreign substance, provided its pressure be at first slight and it gradually increase. In general a very slight pressure suddenly applied is sufficient to destroy the function.

3. A third condition is a due supply of arterial blood to the brain. Galen placed a ligature around both carotid arteries. In this experiment little inconvenience was produced, because the circulation was kept up by the vertebral arteries. Richeraud, after tying the carotid, placed a ligature around the vertebral, arteries. In this manner he completely stopped the circulation in the brain: death followed in a few seconds. If a deficient quantity of blood be transmitted to the brain, that kind of insensibility supervenes which is termed syncope or fainting: if too great a quantity, that which is called coma: if venous blood circulate through the brain, instead of arterial, immediate and total insensibility follows, constituting the state which is termed asphyxia. That sensibility is instantly destroyed by the abstraction of arterial blood from the brain, is established by a series of experiments performed by Bishat. The carotid artery of a dog was tied; a small stream of blood was allowed to flow from it: a cord was then tied round the neck of the animal, so as completely to stop respiration, and thus to prevent the fresh supply of arterial blood. As long as scarlet blood continued to flow from the artery, sensibility remained: the moment dark-coloured blood appeared, sensibility ceased. That there might be no fallacy in the inference obviously deducible from this experiment, it was contrived to make venous blood circulate through the brain, while arterial blood circulated as usual, through every other part of the system. With this view, a cord

was placed round the neck of one dog until venous blood began to circulate: then the carotid artery of another dog was opened, and the venous blood of the first was transfused into the second. Both became insensible, and both died, nearly at the same instant. The experiment was reversed. Arterial blood was transfused from one dog to another, and sensibility was not in the least impaired.

In what mode are impressions conveyed along the nerves to the brain? what change does the nerve experience? in what way is it acted upon so as to admit of this transmission? No satisfactory answer can be afforded to these inquiries: but the conjectures in which physiologists and metaphysicians have indulged on the subject are reducible to three hypotheses. The first is, that the brain and nerves are provided with a certain fluid, called the animal spirits, which serve as the medium of communication between the different parts of the nervous system: the second supposes that this transmission is effected by means of vibrations, or, more correctly, oscillations of the particles of the nervous matter itself; while the third ascribes the whole action to the operation of electricity. On these conjectures we have only space to observe, that if either of them were as well established as a matter of fact, as all of them are destitute of any solid evidence, it would be capable of explaining nothing. They all obviously merely shift the difficulty one step further back, for it is just as difficult to conceive how the functions of the nerves are performed by means of animal spirits, or of oscillation, or of electricity, as it is without the intervention of these media.

2. The second faculty referable to the sensorial power we have stated to be volition. With regard to the succession of events, the operation in volition is the reverse of that which takes place in sensation. In sensation the impression originates in the external organ of sense, and is transmitted from the extremities of the nervous system to the centre: in volition the change arises in the brain, and is propagated in the contrary direction from the centre of the system to its extreme parts. The same soundness of the nervous matter, the same continuity of it, in a word, precisely the same conditions in all respects that are necessary to produce sensation are requisite for the exertion of volition, the proofs of which are identical.

3. In the third place, to the sensorial power are referable the faculties termed intellectual, into any consideration of which it is impossible to enter at present.

From the earliest ages it was conjectured, that particular parts of the nervous system are the appropriate and exclusive

seat of particular faculties: but these conjectures were so vague and so entirely destitute of evidence, that all inquiry into the subject was regarded as hopeless, and even came to be treated with ridicule. We must bear in mind, however, that the investigation itself is perfectly legitimate, and perhaps in the whole circle of science and philosophy, a more striking illustration cannot be found of the advantage of adopting a right mode of investigation, than that afforded by a comparison of the results of modern researches on this very point with those of the older physiologists. Absolute certainty it can scarcely be said that we have yet obtained, but that particular parts of the nervous system are subservient to specific functions is a position supported by observations so numerous, and experiments so exact, that it must at least be admitted, that the evidence of it amounts to a high degree of probability.

It has been stated, that a nerve is a cord composed of numerous threads or filaments. The anatomy of the nerve shews that these filaments are distinct from each other: its function renders it probable that, though bound up in the same fasciculus, for the convenience of transmission from the organs to the central masses of the system, these filaments continue distinct throughout their whole course. The spinal nerves are attached to the spinal cord by two distinct sets of filaments: one set is in communication with the anterior, the other with the posterior, surface of the cord. Now it is proved by direct experiment, that if in a living animal the anterior filaments of the nerves are divided, the parts to which they are distributed are no longer capable of motion: if the posterior filaments are divided, they are deprived of the power of sensation. Irritate the anterior filaments, the animal gives no indication of feeling, but the muscles are convulsed: irritate the posterior, no motion is excited, but the animal gives unequivocal indication of suffering. The experiments to which we owe this important discovery were first performed by Mr. Charles Bell, and they have been repeated by some of the most distinguished anatomists and physiologists in Europe, so that there can be no doubt of their accuracy. The conclusion to which they lead is confirmed by pathology. Cases occasionally occur in which, from a disease of the nervous system, the power of sensation is lost, while that of motion remains; on the contrary, the power of motion is often retained while that of sensation is destroyed. The inference seems to be inevitable that one set of nervous filaments is appropriated to the function of sensation, and another to that of motion.

A third set of nervous filaments appears also to perform a distinct and peculiar function. Mr. Bell has shown that all the

nerves of the body are divisible into two sets, one regular or general, which consists of all the spinal nerves, together with the fifth pair of the cranial. These all agree in being attached to the spinal cord or brain by two sets of filaments, and in being distributed either to the skin or to those muscular parts that are under the control of the will. They are the organs of sensation and volition. There is the strongest reason to conclude that they perform these double functions by means of their double filaments. The other set of nerves into which the system is divided, proceed by single filaments from the base of the medulla oblongata. They are distributed to all the organs that are connected either directly or indirectly with the function of respiration: hence they are denominated respiratory nerves. They pass from organ to organ in the most irregular manner: they seem at first sight, from the irregularity of their distribution, to involve the nervous system in inextricable confusion: they pass across the general nerves, occasionally uniting with them: they form the connecting link between the two halves of the body: they put the most distant parts in communication with each other: they are connected in an especial manner with the great sympathetic system, namely, with those nerves which are distributed to the viscera: they are destitute, or nearly so, of feeling: irritate them, they give no indication of sensibility. These nerves are not under the control of the will: they are not capable of producing sensation; they are endowed with the faculty of transmitting the nervous, not the sensorial influence. Both the accuracy of the experiments from which this conclusion has been deduced, and the soundness of the conclusion itself have been distinctly admitted after repeated examinations by the most celebrated anatomists and physiologists throughout Europe.

It appears then to be ascertained as clearly and certainly as any physiological point can well be, that there are parts of the nervous system to which specific functions are assigned; that for example, one set of nerves is appropriated to the conveyance from organ to organ, of the influence properly termed nervous; that another set is appropriated to the transmission of that denominated sensorial; that of the latter, one set performs the function of volition, and another that of sensation. There are not wanting some rays of light to guide us through this difficult and obscure subject one step farther still. If any faith is to be placed in a most elaborate train of experiments lately performed by Fleurens and Rolando—experiments of which Cuvier has spoken in terms of the highest commendation—experiments performed by the first physiologist twelve years later than those

instituted by the second, without the least knowledge of what had been done by his predecessor—experiments, though undertaken thus independently, concurring in the most remarkable manner in support of the same general conclusions,—if any reliance is to be placed in the results of experiments performed under such circumstances, they render it probable that some of these faculties have their immediate seat in the spinal cord; others in the medulla oblongata, others in the cerebellum, and others in the cerebral hemispheres, or the brain proper. Whatever uncertainty may attach to some of these determinations (and it must require long, careful, and repeated, investigation before points of so much difficulty can be established), it is truly remarkable how all observations and all experiments concur in leading to the conclusion that the seat of the sensorial power, or that power on which the exercise of the intellectual faculties depend, is the cerebral hemispheres, and especially their anterior portion. Supposing the fact really to be as is here stated, what proof might be expected of it? What is the kind of evidence necessary and sufficient to establish it? If it be found that in all animals there is a relation between this portion of the brain and the extent of the intellectual faculties—if this relation regard not bulk only, but also organization—if in the higher animals there be peculiar structures of which no trace can be found in the lower—if these peculiarities of structure progressively increase, in an ascending series, in strict correspondence with the enlarging faculties, there would seem to be just the kind of evidence which the nature of the fact might be expected to supply, and all of which it appears to admit. And this is really the evidence which does exist. It is supported by the comparative anatomy of the brain, it is even supported by the human anatomy of the brain, considered in relation to its magnitude; it is supported by both (there is evidence to believe), considered in relation to its structure. With the intention of laying them before the reader on the present occasion, we had collected and arranged the facts afforded by a study of the brain in animals and in man, undertaken with a special view to ascertain these points. But space cannot be afforded for the detail at present. We shall therefore only observe that no result of investigations of this nature can ever decide the question whether the brain thinks; whether the intellectual faculties and the physical structure of the brain stand to each other in the relation of cause and effect. That is an hypothesis, the truth of which can be established by no facts which it seems possible to accumulate by such researches. What such researches may do, and all that they can do, is to

shew clearly and exactly the ground there may be for the opinion that there is a connexion between the brain, or some portion of the brain, and the intellectual faculties; that the brain, or some portion of it, is the organ of thought, just as the eye is the organ of vision, or the internal ear the organ of hearing. This is an opinion which at present prevails universally; all believe that there is a connexion between the brain and the mind; all admit that the brain is the material instrument by which mental operations are performed. The opinion is received without any very clear and exact evidence known to the great majority of those who acquiesce in it. It may be useful to state, and we may take some future occasion to show, what that evidence is.

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ART. IX.—1. *Mexico in* 1827. By H. G. Ward, Esq. his Majesty's Chargé d'Affaires in that country during the years 1825, 1826, and part of 1827. 2 vols. 8vo. plates and maps. Pp. 591, and pp. 730. London. 1828.

2. *Mexican Illustrations, founded upon facts, indicative of the present condition of Society, Manners, Religion, and Morals, among the Spanish and Native Inhabitants of Mexico; with Observations upon the Government and Resources of the Republic of Mexico, as they appeared during part of the years* 1825, 1826, *and* 1827, *interspersed with occasional Remarks upon the Climate, Produce, and Antiquities, of the Country, mode of working the Mines, &c.* By Mark Beaufoy, late of the Coldstream Guards. London. 1828. 8vo. pp. 310.

WHEN the miners accidentally arrive at a rich body of ore (*clavo rico*) they call it a Bonanza: the mine is said to be in Bonanza, and all the country is quickly awakened to a deep sense of the good fortune of the Adventurer: the tide of population flows towards the spot: the idle, the industrious, and the enterprising — all flock to share in the advantages of the discovery. It was thus with Great Britain, when South America, by the happy results of its Revolution, was pronounced in Bonanza: without knowledge, without caution, in fact with a rash enthusiasm, adventurers crowded from all parts to share the rich prize, and rashly embarked in speculations which they only knew by name. The panic that rapidly ensued was as ignorant as the mania; hopes that were inflated by mere air collapsed on the first pricking of the bubble. The expectations that were better formed have had to stand the test of a severe trial: uncalculating mistrust has succeeded to equally uncalculating excitement. South America and

South American speculations are now calumniated in a mass, and they who cannot discriminate between one end of the continent and the other do not hesitate to condemn the Transatlantic party to all such concerns, as knaves, and those nearer home as nothing short of dupes. Information alone can settle these fluctuations, and enable our countrymen to profit by the fair advantages which the "second discovery of the New World" holds out to honest exertion. Information also will dispel the fears, and refute the slanders, of men who have no sympathy with the advancement of political happiness, and who are ready to misrepresent the occasional unsteadiness of a government in its infancy, as the indications of a radical rottenness in its constitution. With the view of contributing our mite to the circulation of wholesome intelligence with respect to one of the great countries to which we have alluded, we have now taken up the volumes whose titles are inscribed at the head of this paper, together with various others prior in publication, and gone through their contents with an anxious desire to elicit the truth from their multifarious details. Whether we have been successful or not may perhaps be doubtful: we find that the result of the investigation on our minds is, a picture of the present state of Mexico which strikes us as being faithful. Certainly its colours have the loveliness of truth. Mexico is now a federal government, and the states of which it is composed are equal in extent of territory to France, Austria, Spain, Portugal, and Great Britain, put together. It embraces every variety of soil, and, such is its geographical position, every variety of climate and production. Its population is of as mixed and various a description as either the soil or the produce. It reaches in amount to eight millions, boasts of every hue, from the clear olive of Spain to the tawny red of the Indian, or the purple black of the African. Climate and population are, however, such important elements in a sketch of national peculiarity, that we shall descend to a more minute enumeration of their peculiarities in Mexico.

When the lofty ridge of the Andes has threaded the narrow Isthmus of Panama, as it travels northward, it breaks into four branches. These ramifications stretch themselves over the whole expanse of Mexico, and thus cover it with mountainous crags, rocky ravines, rich vallies, or elevated plains, excepting a low belt of land on each sea shore, from which the mountains retire. This geographical part, when coupled with its position lying partly within the tropic, accounts for the phenomena of its climate. The marshy shores of the Gulf of Mexico, under the action of a hot sun, ferment with vegetation and disease;

the rank luxuriance of nature, the gaudy plumage of the birds, and the flaring colour of the flowers, warn the traveller that he breathes an atmosphere fatal to his race. The town of Vera Cruz, long the only inlet into the vast kingdom of Mexico which the tyranny of its ancient masters permitted, lies upon this coast, and is surrounded by a deadly miasma, which guards its walls with even more than their suspicious vigilance. Quitting the low land of the shore, and beginning to ascend the precipitous roads which lead into the interior, the traveller leaves behind him all apprehension of the fatal *vomito*. The change in the atmosphere is accompanied with a corresponding change in the productions of the earth; the appearance of the oak is the signal that the region of salubrity is attained. The rarefaction of the air in the elevated parts of the country counteracts the effects of geographical situation: a still greater ascent produces the fir, and the craggy peaks are marked with all the characteristics of Alpine scenery in climates far more removed from the sun. Where the mountains happen to recede, and the earth expands in a valley, the heat instantly resumes its power; and, as if by the wand of enchantment, the stranger is suddenly transferred from the bleak and barren desert into gardens of intolerable splendor—this is a happy feature in the climate of this country, and in some measure compensates for its wide and dusty plains, destitute of vegetation, swept by fierce winds, and always covered with an atmosphere so rarified, as to make respiration an effort. Humboldt describes the successive changes of temperature in the ascent from Vera Cruz as succeeding each other "by layers." Mr. Ward expands this idea in a paragraph which brings the scenery of Mexico before the eye:

'The parasitic plants of the Tropics are exchanged at a very early period for the ever-green oak, and the deadly atmosphere of Vera Cruz for the mild air of Jalāpa; a little further the oak gives place to the fir, the air becomes more piercing, the sun, though it scorches, has no longer the same deleterious effect upon the human frame, and nature assumes a new and peculiar aspect. With a cloudless sky, and a brilliantly pure atmosphere, there is a great want of moisture, and little luxuriancy of vegetation; vast plains follow each other in endless succession, each separated from the rest by a little ridge of hills which intersect the country at regular intervals, and appear to have formed, at some distant period, the basins of an immense chain of lakes: such, with some slight variation, is the character of the Table Land from Mexico to Chi-hua-hua. Wherever there is water there is fertility, but the rivers are few and insignificant in comparison with the majestic streams of the United States, and, in the intervals, the sun parches in lieu of enriching the soil. High and barren plains occupy but too large a portion of the centre of the country between Zacatecas,

Durango, and Saltillo, nor does nature recover her wonted vigour until the streams, which gradually filter from the Cordillera, are sufficiently formed to dispense moisture on their passage to the ocean. As the Eastern branch of the Cordillera disappears, or rather recedes towards the West, the space fertilized by these streams becomes more extensive, until in Texas, a country low, but well-wooded, and rich in beautiful rivers, takes place of the dreary Steppy of the interior.'

The fact that a few hundred yards will change the face of nature entirely, confers upon the capital of Mexico one of its choicest luxuries, and brings this peculiarity home to the pleasures of sense. On the road to Acapulco, the fine port on the western coast of Mexico, a descent commences within a few miles of the capital; so that, on reaching the plains of Cuernavaca, the metropolitan visiter finds himself in a *Tierra Caliente,* with all its various productions, from which Mexico derives a constant and most abundant supply. The common fruit-stalls there are objects of wonder and admiration to the stranger; pine-apples, oranges, bananas, chirimoyas, melons, granaditos de China, and a thousand other delicious fruits, the glories of the tropics, are found in abundance during the greater part of the year, together with pears, apples, and all the productions of a Northern climate. The centre of a barranca or ravine, should it be occupied by a stream, will have its banks covered with a profusion of tropical plants, while the hills on either side are clothed with the beech, the oak, and the fir. Facility of internal communication is wanting to give to this variety its full value: rivers there are not, and canals must always be highly difficult of accomplishment; the roads are at present excessively bad and never can be good. A subsistence is easily procured in Mexico; but these natural difficulties must always interpose themselves to prevent that general interchange of commodities which their variety renders so desirable. The staple of the Table Land, as the elevated and mountainous regions of the interior have been improperly denominated, is maize; of the low lands, or *Tierra Caliente,* banana. It is calculated, that one acre growing the banana will support fifty men, while one acre of wheat would scarcely suffice to satisfy the wants of three. It has been estimated that the province of Veracruz alone could supply all Europe with sugar. The distinctive productions, however, of Mexico are *palque,* cochineal, and vanilla; of the cochineal insect, Mexico seems to possess a natural monopoly. This insect, at its utmost growth, resembles a bug in size and colour; with the exception of mealy or whitish powder through which the rings or cross stripes on the back of the insect are distinctly visible. The female alone produces the dye; the males are

smaller, and one is found sufficient for three hundred females. The cochineal feeds upon the leaf of the Indian fig—the process of rearing it is difficult and complicated; the leaves must be kept free from all extraneous substances, and Indian women are seen bending over them for hours, and brushing them lightly with a squirrel's tail. The plantations of the cochineal cactus or Indian fig are confined to La Mistica in the state of Oaxaca. Some farms contain from fifty to sixty thousand of these plants. In a good year, one pound of seed or semilla of the insect deposited upon the plant in October will yield in December twelve pounds of cochineal; leaving a sufficient quantity of seed to give a second crop in May. The annual value of the cochineal raised in Mexico is estimated at 2,000,387 dollars. The management of the maquey or aloe, from which the intoxicating beverage palque is drawn, is sufficiently removed from European experience to make a brief account of it in this slight sketch of the productions of Mexican soil not undesirable.

When the aloe is arrived at a certain age, somewhere about ten years, and the period of flowering approaches, it commences to be productive. The Indians acquainted with the plant know by certain signs, almost the very hour at which the stem, or central shoot, which is destined to produce the flower, is about to appear; and they anticipate it by making a deep incision, and extracting the whole heart or central portion of the stem, leaving nothing but the thick outside rind, which forms a natural basin or well about two feet in depth and one and a half in diameter. Into this the sap which Nature intended for the support of the gigantic central shoot, is continually oozing in such quantities, that it is found necessary to remove it twice, and even three times, a day. An Indian inserts a long gourd, terminated by a horn, into this natural basin, and extracts the sap by suction. This sap before it ferments is called aguamiel (honey-water), and merits the appellation by its very sweet taste. From the plant a small portion of it is transferred to a building, where it is allowed to ferment for ten or fifteen days, when it becomes what is termed Madre Palque. This is distributed in small quantities amongst the different skins or troughs intended for the daily reception of the aguamiel. Upon this it acts as a sort of leaven, fermentation is instantly excited, and in twenty-four hours it becomes palque in the very best state for drinking! the quantities drawn off each day are replaced by a fresh supply of aguamiel, so that the process may continue during the whole year without interruption. A good maquey yields from eight to fifteen quartillos (pints) of aguamiel in a day. Ten or fifteen years must elapse before the maquey

grounds become productive, but when once established they are of great value, many producing a revenue of ten or twelve thousand dollars per annum. The natives ascribe to palque as many good qualities as whiskey is said to possess in Scotland: it is at any rate drunk with as great a relish. Its intoxicating qualities are slight, and as it is always taken in a state of fermentation, it possesses even in the hottest weather an agreeable coolness.—*Vide* Ward's *Mexico*, vol. i. p. 55.

The population of Mexico is of a very mixed character: the various shades of colour mark the gradation from the white Spaniard to the dusky Indian. Whiteness was another name for nobility: patents of nobility expressed this idea in the most forcible manner; when they conferred honour on an individual whose blood had received a mixture of the native Indians, they ran "que se tenga por *blanco*" (let him be deemed white): it was a form of contemptuous abuse to say "es posible que se crea V. mas blanco que yo" (can you possibly believe yourself to be whiter than I?). To be a Spaniard born was a distinction beyond price. Such a person who had married a Spaniard *born* in America, would say to his child when he offended him, "Eres Creollo, y basta" (you are a Creole, and that is enough). The American Spaniard, in his turn, looked down upon those who could not vindicate themselves from the taint of Indian blood, and then again would dispute with each other as to the quantity of the deteriorating fluid that circulated in their veins. The African likewise has done his part to vary the complexion of the Mexican mixing with the Indian. His descendants are a fine athletic race, peculiarly well adapted to the climate and the occupations which he meets with in the portions of the country denominated Tierra Caliente. The grand divisions into which this population naturally divided itself were seven: 1. The Spaniards—a vote of the Congress has lately decreed the expulsion of this class; it amounted before the Revolution, it is supposed, to about eighty thousand: 2. The Creoles, or Americans of pure Spanish descent: 3. The Mestizoes, or those partly Creole and partly Indians: 4. Indians: 5. Mulattoes, the offspring of the White population mixing with the African: 6. The Samboes, partly African and partly Indian: 7. African Negroes, who were originally introduced as slaves to cultivate the Tierra Caliente, but who are now free. It is said loosely that the Mestizoes and the Indians together form nine-tenths of the whole population. In 1803, the Indians exceeded two millions and a half. The Mestizoes are next in number: they are indeed more numerous than might be easily ascertained; for few of the middle class, such as the lawyers, curas, and other professional persons,

could prove themselves of unmixed European descent. Under the republic no attempt would be made to do so; for consanguinity with the aborigines has ceased to be considered a disgrace. It had been apprehended that the distinction of colour would prove a fruitful source of dissention whenever Mexico emancipated itself from the power of the mother country. Fortunately, however, the Revolution took another turn, and the distinction of American and European, Creole and Gachupin, as the old Spaniard was called, swallowed up all others. Every citizen of the republic is equally eligible to places of either trust or emolument, and many of those who have most distinguished themselves in the war of the Revolution have risen from the darker class. General Guerrero, who will probably be the next elected president, and who heads the great party of decided republicans, now by far the most powerful, partakes himself largely of Indian blood. There are also instances of individuals purely Indian, who have risen to distinction by their superior acquirements: and the strong efforts that are now made to diffuse education generally over the state, will undoubtedly elicit a considerable harvest of native talent. At present the mass of the Indian population is sunk into a most degraded state of squalid indolence and sensuality: that their condition is however rapidly improving, may be gathered from the fact, that on Mr. Ward's first visit to Mexico, in 1824, the metropolis was infested with a vast body of *leperos* or lazzaroni, which on his second visit, a year or two afterwards, had nearly disappeared. But the quarter of the suburbs in which the Indians resided is still considered as an object of disgust; and such is the squalor and wretchedness of the Indian villages, that foreigners avoid them when they can. The light bamboo cottage of the Indian produces a pleasing effect in the landscape, which is wholly destroyed by a nearer approach; the talent which they seem to possess in the greatest vigour is that of imitation: whatever is placed before them in sculpture or painting, they possess the power of producing its likeness, apparently without art or effort. Their ignorance it may be supposed is extreme, and their superstition equally profound. They have changed the forms of their native idolatry for those of the Roman Catholic faith: to these, and to the ministers of them, they are warmly attached. The Curas possess unlimited authority over them, and in return permit them to mix their ancient dances and other idolatrous ceremonies with those of the Catholic religion: the firing of rockets and the ringing of bells are also made component parts of the Christian faith, as taught in Ultramar. These pleasures are shared by all Mexicans. "What are my Mexicans about," demanded a king

of Spain of his favorite, who had just returned from the vice-royalty, "They are ringing bells and firing rockets as usual, Sire; they were doing so when I went, all the time I was there, and will continue the same to the end of the chapter. They are good and peaceable subjects, and will never give your majesty any trouble, unless deprived of the above gratifying and intellectual amusements." In spite of this love of noise, however, the Indians, and the lower classes of Mexicans, are generally a quiet, docile, and submissive, race: they have long been accustomed to obey, and the habit remains. Mr. Ward observes, that, in spite of the Constitution which made them independent citizens, the Indians in the capital seemed at the service of any white, whether officer, priest, or civilian, who chose to honour them with a command. It is not to be expected that they should yet have learned to estimate the rights which a free government has conferred upon them: in most cases they are perfectly indifferent to the change, and in some they wished to reject the ill-understood boon. A story is told of a priest who, when the constitution was proclaimed, addressed his parishioners after mass to this effect:—

"My friends, we are now all equal. You must no longer look up to me as your father, and as your judge, as one who has authority from heaven to teach, and from the king to rule. I have become one of yourselves, having no more rights and privileges than you. I can no longer desire you to send me a family weekly, to provide my meals, and clean my house, and fetch me wood and water, and serve for other purposes. No, we are all now citizens; and with the same hands that I prepare the sacred sacrament, I must in future dress my dinner and perform the lowest household offices."

The poor Indians in tears, and horror-struck at such a monstrous sacrilege, exclaimed with one voice, "We won't be citizens; we will continue Indians; you shall continue our master, and beat us when you think fit: and we will furnish you with a family weekly, as hitherto, and with every thing else you may want." The holy monk retired amidst the blessings of his flock, delighted at the success of his stratagem; and charitably laughed at them afterwards as a pack of irrational blockheads—"*gentes irracionales.*" When Mr. Beaufoy paid him a visit, his authority was found undiminished: for several trembling Indians with downcast eyes approached, and, kneeling on one knee, kissed the hand which was graciously extended towards them.

Like all other people in a low state of civilization, they are incapable of regular and steady application to labour. This

weakness does not incapacitate them from making excellent miners: the spirit of gambling which characterizes that occupation, its fluctuating gains, and the opportunity which it gives for occasional indulgence, confer upon it a charm which balances all the hardships connected with this mode of earning a subsistence. The Indian miners labour with great zeal for a few days, until a sufficient sum is obtained; and then, until it is spent, like the miners of other countries, they remain buried in a state of stupor and intoxication. The other castes which approach them in colour and character make better artizans and agricultural labourers: the prevailing tone of all is mildness: in their intercourse with each other, they may be said to be polite, and on the whole, the labouring class in few other countries can scarcely be said to be in a much better condition. Among the Mestizoes in the provinces, reading and writing are far more common than might be supposed; by a decree of the Constitution, every citizen who cannot read and write after the year 1840 will lose his privilege of voting at the election of deputies. The grand obstacle to improvement, however, will be found in constitutional indolence, and the ready means of gaining a subsistence sufficient to content the few wants of nature. A small piece of ground, surrounding the light cottage of the peasant, will abundantly supply his family with fruit, rice, banana, and pine-apples. These, with a few Trijoles (beans), and a little chile (or capsicum, which is extensively used all over Mexico) completes his diet; the Mexicans rarely eat animal food, and their poultry supplies them abundantly with eggs, which, disposed of at the nearest market town, procure the scanty clothing which decency and the climate may require.

Of the Creoles themselves, it is the fashion to speak harshly: Mr. Beaufoy's book is neither more nor less than a satire upon their habits, manners, and acquirements. He ridicules the lofty language in which they speak of their country and its importance, he denounces their corruption, their venality, and their pretended patriotism; he scoffs at their notions of enjoyment, and he censures all those practices which education and time and national peculiarities had not rendered him familiar with at home. We must look to other sources for a just appreciation of their character, and if it should not appear an example to admire in all points, we must remember to what country they have served a long apprenticeship; we must recal to mind the system under which they have long been oppressed; a system which had been devised with the utmost ingenuity of man to suppress every species of intellectual expansion. Of its character, some idea may be formed from the following facts:

The only studies permitted in the South American colonies were scholastic divinity and mathematics; history, and all political writings, were vigilantly excluded. In Bogota, the study of chemistry was expressly forbidden, and in New Spain, the works of the celebrated Botanical Professor, Mutis, were not allowed to be published. In 1807, a Mexican, called Don Jose Roxas, was denounced by his own mother for having in his possession a volume of Rousseau, and for several years confined to the dungeons of the Holy Office. Permission for a Creole to visit the peninsula was granted with difficulty, and the time of absence strictly limited. When some petition was preferred, that the means of education might be extended, the answer was, that "learning did not become colonies." The prohibition of all foreign manufactures, and the rigid exclusion of all commercial interchange, led to an extensive system of contraband trade, and to the practice of every scheme of evasion, which would, of necessity, have a deleterious influence on the morals of the nation. The laws were so confused, and the administrators of them, the old Spaniards, who visited the colonies solely for the purpose of accumulation, so corrupt, that we must not be surprised to find the sense of justice but slightly developed, and money, which could purchase right, privilege, honour, and distinction, estimated as the first of earthly blessings. It is more than we have a right to expect, when we find a people who have been thus kept in the dark, sustaining twelve years of civil war for the sake of political independence; and who, having brought the contest to a successful close, are become generally sensible of the advantages of a republican form of government. That their attachment to any particular system of government is great, in their state of ignorance of the merits of each, is not to be supposed: there have been many moments when they would as readily have received a king from France or Spain, or an emperor from their own army, as create a government for whose actions they had the security of popular election: but every account agrees that every day brings to the people a livelier sense of the value of the popular form of their government. The activity and zeal with which the subordinate governments of each state have entered upon their duties, the efficiency, and their correct understanding of their right interests, have surpassed the expectations of the most sanguine.

The model upon which the constitution of Mexico is formed, is that of the United States; and is not ill adapted to the wants and circumstances of the country. The presidencies of the state governments find employment and recompense for numerous individuals who have acquired distinction and honour in

the course of the civil contest, which might impede the operations of the central congress in the capital. The interests of the various states are widely different, and the immense distance which many of them lie from each other leads us to suppose that a municipal assembly is more likely to understand the nature of their wants than the general congress. We pretend, however, only to consider this question in reference to the character of the Creole population: and we cannot but think that the judgment which has led them to choose free institutions, and to conduct them with ordinary intelligence and discretion, ought to raise the population of Mexico in the estimation of the world. It could not be expected that a government, new in all its ramifications, would instantly take root; or that measures of state affecting such varieties of interest would be instantly carried without exciting partial discontent and some actual disturbance. The bloodless character which distinguishes these disputes, confirms our opinion of the mildness and natural amiability of the Creole temper. Executions have been remarkably infrequent, and in cases too, where the punishment of death seemed to be demanded for an example. Iturbide, it is true, was disposed of in a summary manner; only justifiable by the reflection, that his continued existence must have renewed all the horrors of a civil war. But resolution and decision even in this case were mingled with clemency, for both his widow and his sister at present enjoy considerable pensions from the revenues of the state. One fertile source of feud is at length happily annihilated by the vote of congress, which expels from the country every born Spaniard; and, though the measure has not been effected without driving the country to the brink of a severe commotion and though it must be also attended with partial injury to the commercial interests of the state, and has for the moment wholly disarranged the financial affairs of the republic, it appears to have been a step dictated by a sound discretion. As long as a wealthy body of men remained in the country, whose habits, prejudices, and interests were directly opposed to every measure promotive of the public good, and who offered themselves as a rallying point not only to a foreign enemy, but to every faction of the discontented and disaffected that happened to be floating upon the surface of the state, neither tranquillity, nor even security, could be ensured. It is true, that many good citizens and virtuous men, lent a most strenuous opposition to the measure; and that the Vice-president Bravo, an individual of high character, who has long deserved well of his countrymen, headed a party against it, who proceeded with a violence which has justly brought punishment and disgrace on all who were concerned in

it. It is not always the best men who in crises of great moment pursue those steps which lead to the achievement of a national triumph. It is probable, that the short-sighted views of Bravo and his friends were formed under the influence of motives of benevolence, and sympathy towards individuals whose fault it certainly was not that they were born in Andalusia or Castile, and could not lay aside the habits and the opinions of a whole life. The events of the Revolution had already induced the bulk of the old Spaniards to withdraw their capital from Mexico, and this vote will necessarily drive away the rest: meanwhile the aid of this country by way of loan, and the transmission of capital by the British mining-companies in the first instance, have restored in a great measure the drooping resources of trade and commerce. Under the present difficulties, after the first shock has been recovered, the internal energies of the nation will speedily replace its affairs in the same prosperous course which all accounts agree in stating it was pursuing. The ecclesiastical affairs of Mexico present many embarrassments: not only have the old Spanish dignitaries been allowed to remain, but the vacancies that have occurred have not been filled up. Six years have passed and his holiness has not yet given his consent. The church, wearied by the delay, is now itself requiring the government to assume the privilege which the Pope will not grant. Had the civil authorities at once assumed the right of presentation to all vacancies, it is not improbable that the prejudices of a superstitious people might have been dangerously disturbed; whereas, at present, the government is now called upon to set the stamp of law upon the general wish of the nation.

The late contest has given the decided preponderance to the popular party. In November of this year, the election of the president takes place, and it is expected that general Guerrero will replace general Victoria. The last is a man of a moderate and equitable disposition, who has always opposed himself both to the usurpation of individuals and the violence of faction. General Guerrero is cast in a more vigorous mould: he is one of those characters whom the warmth of a revolution elicits from the very dregs of the people; he was, it is said, a muleteer. In different parts of the country, and at various epochs of the contest, he and Victoria were respectively the sole hopes of Mexico: the history of the exploits of each of them is a romance. None, however, of the insurgent chiefs were pursued with such inveteracy as Guadelupe Victoria; and when he could no longer maintain himself in the field, he determined to seek an asylum in the solitude of the forests rather than accept the *indulto*, on the faith of which so many of the insurgents yielded

up their arms. A thousand men were let loose into the unpenetrated fastnesses of the province of Vera Cruz to hunt him down; for six months he was followed, like a wild beast by his pursuers, in vain; for thirty months he never tasted bread, nor saw a human being, nor thought, at times, ever to see one again. In summer he fared upon the fruits which abound in this district; in winter he was reduced to gnaw the bones of horses, or other animals he found dead in the woods. By degrees he accustomed himself to such abstinence, that he could remain unfed for four and even five days without experiencing any serious inconvenience: his clothes were reduced to a single wrapper of cotton, which he found one day when in an extremity of hunger he had approached nearer than usual an Indian hut. This he esteemed an inestimable treasure. When, at length, he disclosed himself to a faithful Indian who was in search of him, the man terrified at seeing a phantom, covered with hair, emaciated, and clothed only with an old cotton wrapper, advancing upon him with a sword in his hand, from amongst the bushes, took to flight; and it was only on hearing himself repeatedly called by his name that he recovered his composure sufficiently to recognize his old general. Iturbide was at that time preparing to besiege Mexico, and received him with apparent cordiality; but Victoria had fought for a liberal form of government, and not merely for a change of masters: unable to gain him over, Iturbide drove him once more into the woods during his short-lived reign, from whence he only returned to give the signal for a general rising against the too-ambitious emperor [*Vide* Ward's *Mexico*, vol. i. p. 226.234. ]The presidency of Victoria has been marked by a gradual improvement in every department of the state; its affairs have been conducted with moderation and discretion, and in the settlement of the clashing interests of different parties, whether between Mexico and foreigners, or between different bodies of the nation itself, matters have been conducted with a strict sense of justice, and the value of temperance and moderation. The congress must share with him the praise of having maintained a commanding position in the discussions on the subject of church patronage, against the interference of the Pope through the agency of the mother country, and the still more agitating questions respecting the claims of the church on the property of landholders which had been mortgaged prior to the Revolution. With respect to the first of these matters, it is remarkable that, though Mexico is chiefly indebted to the priests for its revolution, they are the last to benefit by it in any form. The practice of Spain, to exclude from all stations of dignity in the church the native priest, fostered feelings of hatred against

the mother country, which none but the most besotted of governments would have permitted to be excited in the most powerful body in the state. The consequence is evident in the history of its revolution: the first rebel chief, who led thousands upon thousands to the field, who simply followed because their leader was a priest, was Hidalgo. The second chief was Matamoros, a priest: the third and the ablest, Morelos, another priest. Now, the separation from Spain had broken the link by which Mexico was connected with the See of Rome; and it was not easy to re-establish the intercourse, while the independent existence of New Spain was not admitted by any European power, and was loudly denied by the mother country. In the hope that a concordat would give the government a right of patronage which had hitherto been exercised by Spain, the primate has retreated to Spain. Of the three bishops now in the enjoyment of their sees two are in their dotage. The general state of the church establishment is similarly reduced, while a numerous body of curas are performing arduous duties for scanty pay, in all parts of the empire: many of them, too, having accepted small benefices in unhealthy stations with the full expectation of the accustomed preferment.

We have not touched upon the social character of the Mexicans: if we were to believe Mr. Beaufoy, it is as low as their political qualifications. We prefer, however, the testimony of Mr. Ward, who states that they have no social character at all. We do not find that foreigners have any reason to complain of ill-treatment: on the contrary, where intercourse has taken place, they have reason to be grateful: the truth, however, is, that the enjoyments of the Mexican are not of a social description. Generally speaking, he is not well-informed, though the exceptions are numerous: he has not been trained to find pleasure in the interchange either of ideas or good offices: his enjoyments are principally sensual: his cigars, his hammock, his azotea, in short, his repose. When an occasion occurs when he deems it his duty to celebrate an entertainment, his notions are on the grandest scale; he exhausts his treasures in splendor, and spares no effort to add to the magnificence and costliness of his fête. He finds in this not a social pleasure. It is the pride of Spain grafted on the gorgeous tastes of the descendants of Montezuma. Women are of small account in Mexico; they neither visit nor give parties; a morning call would be held as a piece of espionage on each other's menage. Mr. Beaufoy would have us believe, that because they almost universally smoke cigars, that there is no crime of which they are not capable. The love of gambling besets all ranks in

Mexico: it is indulged in all ways, and not least in the noble amusement of cock-fighting: cocks are trained for conquest all over the republic, and on the eve of a fête or festival, the crowing of these animals is such as to banish all hope of sleep in their neighbourhood. In the festivals, which are more or less frequent all over the country, dancing is a favorite amusement, and while the ladies of the upper ranks perform in booths on the turf below, the mobility is admitted into galleries above, and like our gods in the theatres, express most audibly their approbation of any female whose movements happen to please them. At these fêtes, one of which, of great celebrity, is held at San Agustin, near the metropolis, gaming is a constant resource. At all the respectable tables nothing but gold is seen, and no smaller stake than a doubloon (an onza, about 3*l.* 4*s.*) is allowed. Fifty or sixty of these (about 200*l.*) are an ordinary stake upon the turn of a card, but as many as six hundred and twenty have been seen to be risked and won. A monte table is to be found in every house at San Agustin. There are silver ones for the lower classes. At Catorce, when the mine was in bonanza, a miner has been known to lose two thousand dollars on a single stake. In lieu of more intellectual social amusements, in all countries inhabited by people of Spanish descent, the Alameda is a relief from ennui. On a Sunday, or Dia de Fiesta, the avenues to the Alameda of Mexico are crowded with enormous coaches without springs, highly varnished, and bedizened with extraordinary paintings in lieu of arms: in these, perhaps, are seated two or more ladies, dressed in full evening costume, and whiling away the time with a cigar, *en attendant* the approach of some of the numerous gentlemen walking or riding near. Not less remarkable are the equestrians, according to the portrait of a Mexican gentleman on horseback, from the pen of Mr. Ward.

'In the first place, the hind quarters of the horse are covered with a coating of leather (called the anquera), sometimes stamped and gilt, and sometimes curiously wrought, but always terminating in a fringe or border of little tags of brass, iron, or silver, which makes a prodigious jingling at every step. The saddle, which is of a piece with the anquera, and is adorned in a similar manner, rises before into an inlaid pummel, to which, in the country, the lasso is attached; while the plated head-stall of the bridle is connected by large silver ornaments with the powerful Arabic bit. Fur is sometimes used for the anquera, and this, when of an expensive kind (as black bear skin, or otter skin), and embroidered, as it generally is, with broad stripes of gold and silver, makes the value of the whole apparatus amount to four or five hundred dollars (about 100*l.*) A common leather saddle costs from fifty to eighty dollars. The rider wears a Mexican hat

with a brim six inches wide, a broad edging of gold or silver lace, and a very low crown; he has a jacket likewise embroidered in gold or trimmed with rich fur, and a pair of breeches open at the knee, and terminating in two points considerably below it, of some extraordinary colour (pea-green or *bleu celeste*), and thickly studded down the sides with large silver buttons. The lower part of the leg is protected by a pair of Guadalajara stamped leather boots, curiously wrapped around it and attached to the knee by embroidered garters; these descend as far as the ankles, where they are met by shoes of a most peculiar shape, with a sort of wing projecting on the saddle side, and the whole is terminated by spurs (made at Lerma or Toluca), of so preposterous a size that many of them weigh a pound and a half, while the rowels of all trail upon the ground, if by any chance the wearer is forced to dismount. A cloth manga, or riding cloak, is often thrown over the front of the saddle in such a manner as to display the circular piece of green or blue velvet in the centre, through which the head is passed when the manga is worn, and which is generally very beautifully embroidered. The cost of the whole dress, when the saddle is of fur, with *armas de agua* of the same materials, it is not easy to calculate, as it depends entirely on the degree of expense to which a person chooses to go in the embroidery. A very handsome saddle may be bought for three hundred dollars. I have known two hundred dollars given for a pair of Guadalajara boots worked with silver, but eighty may be taken as a very liberal price. A jacket, not at all particularly fine, would cost as much more. The hat is worth twenty dollars; the breeches, if at all rich, fifty or sixty; the spurs, with embroidered stirrup leather, twenty; the plated bridle, thirty-two; while a manga, of the most ordinary kind, is not at all to be procured under a hundred dollars, and if at all remarkable, not to be purchased for less than three hundred. The horse usually mounted on these occasions must be a brazeador (so called from its doubling its *brazos* or fore legs at every step, and throwing the whole weight on its hind quarters), fat, sleek, and slow, but with remarkably high action before, which it is thought tends to show off both the animal and the rider to the greatest advantage. The *tout ensemble* is exceedingly picturesque, and the public walks of Mexico will lose much in point of effect, when the riding dress of England or France is substituted, as it probably will be, "for a national costume so very peculiar."'

Such is a Mexican gentleman on horse-back in the capital. It is, however, in his hacienda in the country that he is to be seen to advantage, in the centre of the vast domains that surround a Mexican manor-house, where, supplied by nature with a perpetual abundance, and often in the enjoyment of immense wealth, his hospitable and social feelings have room to expand: even the fastidious Mr. Beaufoy looks with an eye of satisfaction upon the reception he met with in the country abodes of the Mexican proprietor, and permits himself to report a favourable

character of their inmates. The estates attached to these mansions are usually immensely large; thirty or fifty miles in circumference being no uncommon extent, and the buildings with which they are surrounded are generally numerous and on a grand scale. The dwelling apartments of an ordinary hacienda are built round a court, with a corridor, which has a well in the centre, and is adorned with orange trees or flowers. Mr. Ward mentions Chapingo as one of the finest specimens of a Mexican count's house; and, if we may judge from Mrs. Ward's tasteful drawing, it is a magnificent palace. It was purchased from the Jesuits by the ancestor of the present marchioness of Vibanco out of the proceeds of mines of Barranco at Bolanos. The produce of the estate connected with it, seldom falls short of 12,000*l.* per annum. The value, however, of all Mexican estates depends upon the proximity of a market, and Chapingo lies near the capital. The estate called the Mesquiti is one of the fourteen haciendas of which the conde de Perez Galves is proprietor. Three are in the neighbourhood of Mesquiti, not far from the mines of Catorce. These four contain two hundred sitios, upon which there are about one hundred and fifty thousand goats and sheep. The matanza or slaughtering of 1826 consisted of twenty-nine thousand fat goats, killed at the rate of two hundred every twenty-four hours: the tallow made from the fat was sent to Mexico: the skins to Guadalajara, where they sold, on an average, for six reals (about 3*s.*) each. A tienda or shop is attached to this as to most other haciendas. The wants of a thinly-peopled district, and the scarcity of circulating medium, make it desirable for a proprietor to pay his labourers in goods: there is no disgrace in this, and it may be remarked all over Mexico, that there is a total absence of the distinction which we make between the respectability of wholesale and retail trade. The principal "dependientes" upon an hacienda receive a very small salary, in lieu of which they are allowed to keep a certain quantity of live stock upon the land. Many of the Rancheros of the conde de Jaral on the hacienda of Sierra Hermosa, adjoining the estates just mentioned, who have only four or five dollars a month in money, possess as many as eighty thousand goats, with an "atajo" of eighty or a hundred horses. When these haciendas lie in the route of travellers they seldom hesitate to claim their hospitality, and it is rare that they fail to find a cordial reception. The prejudices against foreigners, whatever they may have been, do not appear by the reports either of Mr. Ward or Mr. Beaufoy to have reached the upper classes. At one time the influx of heretical

miners had excited the angry passions of many of the lowest class of the population: a temper which however quickly subsided in spite of the gross and intemperate conduct of the Cornish miners and other artizans. At the close of 1826, Zacatecas was the only place where a bad feeling towards foreigners still existed: and here, and here alone, Mr. Ward met with an insolent mob, which was, however, strictly confined to the working classes of the city itself.

It would be very strange, if, in an attempt to sketch the present state of Mexico, we were to omit the feature which has rendered its name celebrated over the globe, which has been the ruling influence of its fate, and which now renders it a point of universal attraction in this country: we mean its silver mines; the more especially, since Mr. Ward has supplied such copious materials for judging of their present state and future prospects; the subject is, however, of so extensive a nature, that we can only, at the close of so miscellaneous a paper as the present, glance at a few particulars of importance, and for a luminous report of every thing connected with them, refer to Mr. Ward's publication.

In the opinion of Mr. Ward, who was officially employed to investigate the condition and expectations of the different mining-companies, the works that are now in progress with the aid of British capital, are all likely to turn out greatly to the advantage of the adventurers: mining on a small scale is every where a species of gambling: on a very large scale, it may, by a calculation of former returns, and by the judicious application of labour and skill, be nearly reduced to a certainty. Where many mines extending over a well-known district are habilitated by the same party, though some may fail, others are sure to succeed. After the strictest inquiry, it moreover appears, that the great, extensive, and most arduous undertakings, now in progress, on behalf of the British adventurers, have been conducted with zeal, honesty, and ability: that the individuals who are now superintending them are qualified to perform the task, and have displayed in many instances, an energy and ingenuity in overcoming the difficulties in the way that, in the field or on some more conspicuous stage of operation, would have covered them with honour. Losses to a great amount, and blunders egregiously absurd, were committed in the first instance by the hasty directors in England during the speculating fever; the mistakes have been repaired, but the losses remain: in part they never will be repaired; success will quickly wipe away even the remembrance of many of them. Generally speaking, to restore the dilapidations, which have occurred

during the revolution has been hitherto the object of the exertions of the different companies: in several instances they are nearly brought to a close; in some, the mines are partly paying their expenses; in the course of the year 1829, the adventurers will probably be unwilling to transfer the interest they at present hold in the different Mexican associations. Without reckoning any of those associations which started up during the general mania for mining in England, and threw up their engagements as soon as the feeling in favour of their undertaking subsided, there are at the present moment, seven great English companies, besides one German and two American in different parts of the Federation. The seven English companies are the Real del Monte company, the Bolanos company, the Tlalpujahua company, Anglo-Mexican company, the United Mexican company, and the Catorce company. About twelve millions of dollars have been laid out by these companies all together in Mexico; about three hundred and one thousand dollars only have been introduced in specie, at the commencement of 1827. The average annual produce of the mines of Mexico before the Revolution was twenty-four millions of dollars, in the creation of which, a capital of thirty-four millions of dollars was employed under the old regime. It will quiet people in this country who entertain very exaggerated ideas of the wealth that has been exported from this country to Mexico, when they consider that this is nearly three times the sum now invested for the same object by the different British companies. Before the Revolution ten million cwts. of silver ore were annually extracted from the bowels of Mexico: one cwt. of ore on an average produces two and a half ounces of silver: so that Mexico may be said every year to have presented the world with twenty-five millions of ounces of this valuable metal.

Erroneous ideas are also entertained of the amount of the transfer of money to Mexico by this country in the shape of loan. It will be well to correct this error, and put to shame some hardy speakers in high places who have used most unmeasured language on this subject. If there be any delusion in these transactions it does not all rest on the other side of the Atlantic—at least as regards the Mexican government whatever may have taken place with other states of America. The *first* loan which was concluded with the house of Goldschmidt in 1823 for the sum of 3,200,000*l.* sterling, produced at 50 (at which price it was disposed of, though brought out at 58) 1,600,000*l.* or eight millions of dollars, of which the firm reserved for commission, payment of interest, &c. 419,936*l.*; which reduced the nett pro-

duce of the loan to 1,180,064*l.* So that Mexico pledged her credit for *sixteen millions of dollars* bearing five per cent interest, and received not *six millions* of dollars. The *second* loan, which was taken by the house of Barclay, in 1824, was for the same amount as the first; viz. 3,200,000*l.* sterling, bearing interest at *six* per cent. It produced 2,776,000*l.* from which was deducted for commission, interest, Sinking-fund, expenses, and money previously advanced 1,405,502*l.*; so that this second loan was only to produce short of seven millions of dollars; but the house of Barclay not having made good about 300,000*l.* sterling the nett produce to Mexico was little more than *five millions and a quarter of dollars*—for which again the Federation is responsible to the amount of *sixteen dollars* at six per cent.

The interest on Goldschmidt's loan amounts to 973,600 dollars annually: that on Barclay's loan, to 1,136,000 dollars: the revenue, however, for 1828 is estimated at fourteen millions of dollars; and this sum, Mr. Ward states, he is certain the country can only be prevented from producing by gross mismanagement. According to the estimates of the financial minister, a surplus revenue was to be expected for 1827; it is very clear that he must either have been deceived in his hopes of receipt, or the expenditure has been taken at too low an amount, for if the revenue of Mexico had only equalled its disbursements, it is very certain that its government never would have permitted the national credit to fall into the disgrace which it has lately incurred by not meeting its engagements in this country. To restore the full energies of the country must, however, be a work of some time, and numerous unexpected obstacles are likely to stand in the way of a government, new in its form, and whose authority is still unsanctified by time. The Mexicans are not discontented or unsettled, but they are indolent and indifferent: it requires the aid of habit to back the intentions of the legislator and the minister. The States are pleased with their independent powers, and glad to exercise their privileges, they may not yet have learned implicit compliance with the legal demands of the superior congress. In several instances, they are considerably in arrear with their contingent. The late disturbances have doubtless checked the retrenchments that were to have been made in the expenditure, on account of the army, and have, in other points, greatly embarrassed the government. Under any ordinary circumstances, the Mexican authorities are fully able and extremely anxious to maintain their credit in the world. And they will, we have little doubt, if political affairs go on smoothly, quickly redeem the pledges they have given. That the peace

of Mexico will remain settled, and the present government continue to exercise its functions without any further commotion, there is every reason to believe. The mass of the population is wearied of disturbance; the prevailing spirit is a desire for repose and leisure, in which the people may bend their efforts towards repairing their ruined fortunes and turn to the cultivation of the advantages which an open intercourse with the rest of the world now offers to them. But it is upon the mines that the future importance of Mexico to Europe depends: unless they are productive, she can neither restore her agriculture nor afford to consume the importations of other countries. A temporary stimulus has been given by the loans and by the capital invested in the mines; but such are the peculiarities of her condition that it is her mineral treasures alone which can enable her to cultivate her great natural resources with effect.

END OF VOL. IX.

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